

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

DEC 15 2018

County City Town Village
(Select one.)

of Village of Saranac Lake

DEPARTMENT OF STATE

Local Law No. 4 of the year 2016

A local law Development Code
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Saranac Lake as follows:

Please see attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2016 of the ~~(County)~~(City)(Town)(Village) of Saranac Lake was duly passed by the Board of Trustees on November 28 2016, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

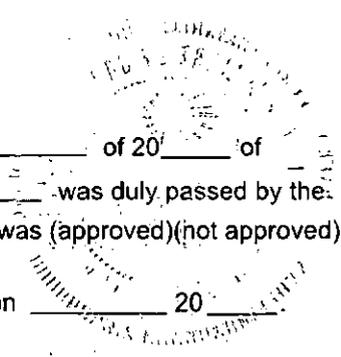
3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____ ~~(Name of Legislative Body)~~ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.



* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

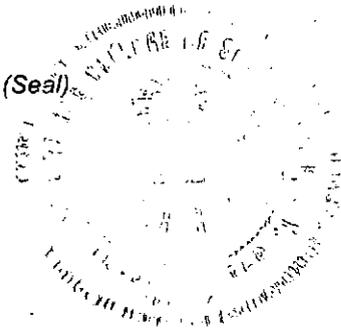
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Karen J.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 11-30-2016



Chapter 106

DEVELOPMENT CODE

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[HISTORY: Adopted by the Village Board of the Village of Saranac Lake 11-28-2016 by L.L. No. 4-2016. Amendments noted where applicable.]

**Part 1
General Regulations**

**ARTICLE I
Title; Authority; Purpose; Compliance**

§ 106-1. Short title.

This chapter shall be known as the "Village of Saranac Lake Unified Development Code" ("this code"). The Village of Saranac Lake, Essex and Franklin County, New York, is hereinafter referred to as "the Village."

§ 106-2. Legislative authority; effect on other laws.

- A. This code is enacted by the Village Board of Trustees of the Village of Saranac Lake, New York, pursuant to Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law of the State of New York and all amendments thereto, and pursuant to the Village's 2013 Comprehensive Plan (the "Comprehensive Plan") and the goals and objectives of the Local Waterfront Development Program (the "LWRP") of Saranac Lake, as adopted by the Board of Trustees.
- B. This code is intended to amend and supersede the Village of Saranac Lake Land Use Code (Local Law No. 1 of 2002); Village of Saranac Lake Local Waterfront Consistency Law (Local Law No. 1 of 2003); Chapter 5, Signs, of the Village of Saranac Lake Code (Local Law No. 1 of 1993); Chapter 29, Flood Damage Prevention, of the Village of Saranac Lake Code (Local Law No. 5-1991); and the Planned Unit Development District Law (Local Law No. 17-2014).

§ 106-3: Legislative purpose.

- A. The purpose of this code is to promote the health, safety and general welfare of the community, to promote the unique character of the Village, to provide for a variety of housing opportunities and densities, and to protect and enhance the property values and aesthetics of the community. These goals are to be accomplished by regulating the height and size of buildings and other structures, the percentage of the lot that may be occupied, the size of the yards, courts and other open spaces, and the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residences and other purposes, to the extent permissible within the proper exercise of power delegated by Village Law;
- B. It is the further purpose and objective of this code to advance the goals and objectives of the LWRP; and
- C. It is the further purpose and objective of this code to ensure the optimum overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Village.

§ 106-4. General compliance requirements.

- A. No person shall engage in any land disturbance, land use development, subdivision of land, or use of buildings and structures in the Village without complying with this code or any permit, order or other approval issued hereunder.
- B. No approval issued under this code shall eliminate the need for any person to obtain a building permit or any other local, state or other approvals prior to engaging in any land disturbance, land use and development, subdivision of land, or use of buildings and structures in the Village.

ARTICLE II
Word Usage and Definitions

§ 106-5. Word usage.

- A. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural shall include the singular;
- B. The word "shall" is mandatory;
- C. The words "may" or "should" are permissive; and
- D. Whenever words of the masculine or feminine gender appear in this code, unless the sense of the sentence indicates otherwise, they shall be deemed to refer to either male or female persons. This construction shall apply to gender-indicative suffixes or prefixes as well as to gender-indicative words.

§ 106-6. Definitions.

As used in this chapter, unless defined elsewhere in this chapter, the following terms shall have the meanings indicated:

ABANDON — To cease, for more than one year and one day, the use and maintenance of land, buildings or structures which have accommodated nonconforming uses; or to change from one nonconforming use to another; or to change from a nonconforming use to a conforming use.

ACCESSORY OUTDOOR STORAGE — The keeping, in an unenclosed area, of any goods, material, merchandise or vehicles incidental to the principal use, for more than 24 hours.

ACCESSORY STRUCTURE — A structure which is customarily incidental and subordinate to the principal building (i.e., detached garages, sheds, etc.). Accessory structures may include structures necessary for providing wind or solar power to the principal building.

ACCESSORY USE — A use of a building/structure, lot or portion thereof that is customarily incidental and subordinate to, and does not change the character of, a principal land use or development and that customarily accompanies or is associated with such principal land use or development. Examples of accessory uses include, but are not limited to:

- A. A secondary dwelling of 550 square feet or less;
- B. The parking of tenant-owned cars in the parking lot of an apartment building;
- C. A home occupation in a residential area;
- D. An employee cafeteria in an office building;
- E. A warehouse space of a manufacturing facility, etc.

ACRE — A unit of land area containing 43,560 square feet.

ADDITION — An extension or increase in the floor area, number of stories (floors), or height of a building or structure.

ADIRONDACK ARCHITECTURE — Refers to the rugged architectural style generally associated with many buildings within the Adirondack Mountain area of Upstate New York, many of which are utilized and referred to as "great camps." Other uses include commercial and common residential. The builders used native building materials, such as pine, cedar and spruce woods, and often provided rustic appearances which incorporate many highly craftsmen-like details, while avoiding the costs and time costs of importing materials from elsewhere. Saranac Lake is home to many builders and craftsman specializing in the construction of Adirondack architecture throughout the Saranac Lake chain of lakes, Lake Placid and the St. Regis Lakes. Elements such as whole, split, or peeled logs, bark, roots, and burls, along with native granite and fieldstone were used to build interior and exterior components. Massive fireplaces and chimneys built of cut stone are also common with this architecture. The use of native building materials was not only for promoting a natural appearance but also to avoid the expense of transporting conventional building materials into

a remote location. Design elements of Adirondack architecture often include one or more of the following features:

- A. Wood siding, either vertical or horizontal (and often a combination thereof), varieties of which include the native variety of log slab siding often referred to by locals as "brainstorm," as well as cedar shakes and "shingle style" details.
- B. Stone, either natural or cut, laid upon the foundation as a base for the first floor; a skirting for all or parts of a building.
- C. Heavy timber or log corbels, trusses, brackets, columns or gables, often with relatively intricate designs.
- D. Gabled roofs of all pitches.
- E. Shed roofs, interspersed within or between gabled roofs, as dormer roofs, porch roofs or extension roofs.
- F. Large eaves to keep snow and rainfall away from the foundations.
- G. Intricate roof gable work that may include logs, heavy timbers, corbels, and truss-work, whether functional or ornamental.
- H. Towers or turrets.
- I. Decks, porches, balconies at all levels with heavy timber, long and/or twig railings.
- J. Fenestration allowing maximum view shed viewing which may include transoms or specialized fenestration above normally heightened windows to in-fill cathedral-like, vaulted or elevated ceilings to facilitate the view and natural sunlight.
- K. Siding finishes of stain or paint, generally of earth tones.

ADIRONDACK PARK AGENCY (APA) — A state governmental agency created in § 803 of Article 27 of the Executive Law of the State of New York to develop long-range land use plans for both public and private lands within the Adirondack Park.

ADIRONDACK PARK AGENCY ACT — Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

ADIRONDACK PARK or PARK — Land lying within the area described in Subdivision 1 of § 9-0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto.

ADULT ENTERTAINMENT — A commercial facility or business enterprise having as a substantial portion of its activity characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities, of live shows, motion-picture films or sound recordings presented by coin- or slug-operated, or electronically or mechanically controlled, still or motion-picture machines, projectors or other image-producing devices; any business whose entertainers or waiters and waitresses appear in a state that displays any specified anatomical areas; or any business enterprise that offers services requiring the client or customer to display any specified anatomical areas, except medical clinics or hospitals.

Note: The definition as listed above is provided solely as a clarification of the meaning of the term used in the definition of "arts activities" and "arts spaces." All adult entertainment uses of any kind are prohibited in the Village of Saranac Lake.

AEROBIC COMPOSTING — The process of decomposition of organic matter in an environment with oxygen present. The microorganisms responsible for the decomposition consume oxygen and produce carbon dioxide. This type of composition is known to produce little or no offensive odor.

AGRIBUSINESS — Sale of agricultural products, including but not limited to crop-based goods (i.e., corn, potatoes, tomatoes, etc.) and dairy-based goods (i.e., milk, eggs, etc.) for a fee.

AGRICULTURAL USE — Use of land for agricultural purposes, including farming, growing and harvesting crops, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds and including the necessary accessory structures for packing, treating, storage or production, including any barn, stable or other building or structure directly and customarily associated with agricultural use.

ALTERATION — Any construction or renovation to an existing building or structure other than a repair or addition.

AMUSEMENT AND RECREATION SERVICES — The provision of entertainment, either wholly enclosed in a building, or outside a building, for a fee.

ANAEROBIC COMPOSTING — The process of decomposition of organic matter in an environment with little or no oxygen present. The microorganisms responsible for the decomposition do not need oxygen. This method of composting decomposes compostables more slowly than aerobic composting and is known to produce hydrogen sulfide and ammonia-like compounds which have offensive odors.

ANTIQUÉ SHOP — A commercial facility or home occupation selling items constructed and/or manufactured in an earlier period of time which have demonstrated some level of collectability and/or continued value.

APPURTENANT STRUCTURES — The visible, functional, or ornamental objects which are attached to a building.

AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE OR V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

ARTISAN WORKSHOP — A commercial facility or home occupation primarily selling items of a unique and artistic nature which are constructed and/or manufactured on the premises, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery or mass production. This includes artisans such as a glassblower, woodworker, portrait painter and jewelry maker.

ARTS ACTIVITIES — Includes commercial arts and art-related business service uses, including but not limited to recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special-effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies performance, exhibition, rehearsal, production, post-production and some schools of any of the following: dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glass works, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. Arts activities exclude accredited schools and accredited post-secondary educational institutions, and any form of adult entertainment.

ARTS SPACES — Includes studios, workshops, galleries, museums, archives and theaters, and other similar spaces customarily used principally for arts activities. Arts spaces shall exclude any form of adult entertainment.

ASSISTED-LIVING RESIDENCE (ALR) — A certified adult home or enriched housing program that has additionally been approved by the DOH for licensure as an ALR. An operator of an ALR is required to provide or arrange for housing, twenty-four-hour on-site monitoring, and personal-care services and/or home-care services in a home-like setting to five or more adult residents.

ATHLETIC FACILITY, OUTDOOR — Recreational buildings, courts, fields, gymnasiums, rinks, and other structures used for playing indoor and/or outdoor sports.

AUTOMOTIVE DEALER — The principal use of any building, land area, or other premises for the display, sale, rental or lease of new or used automobiles (but may include light trucks, or vans, trailers, or recreation vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOTIVE REPAIR/SERVICE — The principal use of a building, land area, or other premises for commercial repair, servicing, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, body and fender work, welding, painting, straightening, sanding and steam cleaning of vehicles.

AUXILIARY USE — See "accessory use."

BANK — An establishment chartered by the state and federal government to conduct financial transactions, including deposit and withdrawal of funds, cashing checks, making loans, and maintaining depositories.

BANK, DRIVE-THROUGH — An establishment chartered by the state and federal government to conduct financial transactions, including deposit and withdrawal of funds,

cashing checks, making loans, and maintaining depositories where such transactions may occur between the establishment and the person(s) in a vehicle.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BED-AND-BREAKFAST — An owner-occupied private dwelling in which at least one and not more than five rooms are offered for rent for transient occupancy, in which overnight lodging and meals are offered to such occupant(s) for a period not to exceed 30 days and in which services are only provided to such occupants and not the general public.

BOARDINGHOUSE — See "rooming house."

BOAT STORAGE, COMMERCIAL — A place, site, building or structure used to store three or more vessels on any one lot for a fee, including any rental of private residential docks.

BOAT STORAGE, PRIVATE — A place, site, building or structure used to store less than three vessels on any one lot that are registered to the owner of the lot on which they are placed.

BOATHOUSE — An accessory structure which has direct access to a body of navigable water and:

- A. Is used for the storage of vessels and associated equipment;
- B. Does not have bathroom or kitchen facilities; and
- C. Is not designed or used for lodging or residency.

BUFFER AREA — Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another or from a street so as to visually shield or block noise, lights, or other nuisances.

BUILDABLE LAND — The area of a lot remaining after subtracting the area encompassing freshwater wetlands as mapped pursuant to federal, NYSDEC and/or APA-designated wetlands; wetland buffers as defined by NYSDEC or APA; slopes of 15% or greater; or hydric soils identified on the United States Department of Agriculture Soil Survey for Essex and/or Franklin County.

BUILDING — Any structure having a roof supported by columns or walls and over 144 square feet in size intended for the housing, shelter or enclosure of persons, animals or property.

BUILDING FOOTPRINT — The area encompassed by a building's outer wall at ground level.

BUILDING HEIGHT — The vertical distance measured from the lowest point of the existing or finished grade (whichever is lower) adjacent to the foundation to the uppermost portion of the building or structure, excluding chimneys or other appurtenant structures.

BUILDING INSPECTOR — The officer duly authorized to enforce in the Village of Saranac Lake Building Code and the NYS Fire Prevention and Building Code.

BUILDING LINE, FRONT — The line of that wall of the building nearest the front line of the lot. This front wall includes sun parlors, covered porches and edges of uncovered decks, whether enclosed or open, but does not include steps and railings. Side and rear building lines involving side and rear walls shall be determined in the same manner.

BUILDING MATERIAL SUPPLY — The storage and sale of goods relating to the construction of buildings and related structures.

BUILDING, ACCESSORY — A subordinate building in which an accessory use is conducted.

BUILDING, MULTI-USE — A building containing two or more distinct principal uses.

BUILDING, PRINCIPAL — A building in which is conducted the most consequential use of the lot.

BUILDING/STRUCTURAL COVERAGE — That percentage of the plot or lot area covered by the combined area of all buildings or structures on the lot.

CALIPER — The diameter of a tree trunk measured in inches at breast height (dbh) or 4 1/2 feet above grade.

CAMPGROUND — Any area providing a site or sites for the temporary parking or erection of occupied travel or pop-up trailers, motor homes, truck campers and tents, and all buildings and facilities pertaining thereto.

CAR WASH — A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying on a commercial basis.

CARPORT — A roofed structure, providing space for the parking of motor vehicles, with no walls on at least three sides.

CEMETERY — A delineated place operated and maintained by a church or governmental agency or others that provide burial or end-of-life services, including a crematorium, columbaria, and aboveground storage vaults.

CHANGE OF OCCUPANCY — A change in the purpose or level of activity within a building or structure that involves a change in the application of the requirements of the New York State Uniform Fire Prevention and Building Code.

CHEMICAL AND PETOLEUM STORAGE — The keeping of bulk quantities of petroleum and other liquid chemicals in outdoor tanks or other similar structures.

CHICKEN COOP — An enclosed structure, for housing or sheltering chickens, which contains nesting boxes for the chickens to sit in while laying their eggs as well as perches for the chickens to use while sleeping; sometimes called a "hen house."

CHICKEN PEN — An open-air, outdoor area connected to or surrounding the coop which is surrounded with wire or mesh screening to cage and protect chickens from predators as they range outside the coop.

CINEMA — A facility where motion pictures are shown to the public for a fee. The facility may encompass one or multiple theaters.

CLASS A REGIONAL PROJECT — A land use or development which is classified and defined as such in § 810(1) of the Adirondack Park Agency Act.¹

CLASS B REGIONAL PROJECT — A land use or development which is classified and defined in § 810(1) of the Adirondack Park Agency Act.²

CLEARCUTTING — To cut all the trees on a lot, in a stand of timber, or within a specified area.

CLUB or LODGE — A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a social, educational or recreational activity, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUSTER DEVELOPMENT — A subdivision design, pursuant to § 7-738 of the New York State Village Law, that allows lots to be reduced in size, provided the total development density does not exceed that which could be constructed on the site using a conventional subdivision layout, and further provided that the remaining land is dedicated as permanent open space.

COASTAL HIGH-HAZARD AREA — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a firm as Zone VI-V30, VE, VO or V.

COLLEGE, PRIVATE — A private educational institution authorized by the state to award associate, baccalaureate, or higher degrees under accredited curriculum. Associated services may include student housing, dining, sports/recreational activities and support/administrative functions and facilities.

COMMERCIAL SAND AND GRAVEL EXTRACTION — Any extraction from the land of more than 50 cubic yards in any two-year period of sand, gravel, or topsoil for the purpose of sale or use by persons other than the owner of the land or for the purpose of use by any municipality.

COMMERCIAL USE — The use of a parcel of land/building for the purpose of retail/wholesale business or trade of products or commodities; the provision of services or entertainment; and the preparation, processing, or repair of such articles, substances or

1. Editor's Note: See Article 27 of the New York State Executive Law.

2. Editor's Note: See Article 27 of the New York State Executive Law.

commodities for on-premises transactions carried on for a fee. These uses are listed under the "Commercial" land use type in Schedule 1, Allowed Uses.³

COMMON OPEN SPACE — An area of land, within a site designated for development, which is designed, intended and reserved for the users of the development. Common open space may include such complementary structures and facilities as are appropriate for the needs of the users of the development.

COMMUNITY BENEFIT — Open space, housing for persons of low or moderate income, parks, elder-care day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Village of Saranac Lake Board of Trustees.

COMMUNITY DEVELOPMENT DIRECTOR (DIRECTOR) — The person appointed by the Saranac Lake Village Board of Trustees to administer and enforce this code.

COMMUNITY FACILITY — A building or structure owned and operated by a governmental entity or not-for-profit organization to provide a public or semipublic service, such as libraries, museums, governmental buildings, firehouses and churches.

COMMUNITY GARDEN — A shared green space which is planned, designed, built and maintained by community members for the enjoyment of the entire community and used for the growing of flowers, fruits and/or vegetables, with no retail sale of these flowers, fruits or vegetables from the site of the garden. Community gardens may be solely used to raise food for gardeners and/or the surrounding community, a decorative formal garden, or an educational facility.

COMMUNITY HOUSE — A community house is a residential dwelling unit where individuals are not handicapped as per the Federal Fair Housing Act but where, due to the particular needs of the resident individuals, a joint living arrangement is necessitated and where the individuals are under sponsorship or care of a public, nonprofit, or for-profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment, such as a halfway house, a personal-care residence, a community transitional facility, or any other such facility that provides such services. A community house shall not exceed eight beds. The following are not considered community houses: group homes, fraternities, sororities, dormitories, convents, communes, apartments, boarding and rooming houses, tourist homes, and hotels and motels. See Article XIV, Supplemental Standards, for specific provisions.

COMMUNITY SERVICES — The provision of public utilities and activities that are integral to the operations of governmental, educational and institutional entities, including but not limited to health maintenance and medical treatment; public sewer collection and treatment functions; water treatment and distribution functions; treatment and care facilities for disabled persons, etc.

COMPLETE STREETS — A set of policies that directs site designers, transportation planners, engineers, and public works departments to consistently design and maintain roadways with all users in mind. Complete streets are designed and operated to enable safe

3. Editor's Note: Schedule 1 is included as an attachment to this chapter.

access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities must be able to move safely and comfortably along and across a complete street.

COMPOSTABLES — The solid organic constituents of leaves, grass clippings, evergreen needles, plants, branches, brush, vegetative prunings and garden and yard waste. For the purposes of this code, all other materials are noncompostables. Noncompostables include but are not limited to the following: inorganic material, paper sludge, sewage sludge, sludge, septage, bio-solids, food, animal products and carcasses, human wastes, medical wastes, animal wastes, construction and demolition debris and any other wastes not listed in the first sentence of this definition. Noncompostables are not permitted in a composting facility.

CONSERVATION SUBDIVISION DESIGN (CSD) — Conservation subdivisions are characterized by common open space and clustered compact lots. The purpose of a conservation subdivision is to protect open space and natural resources while allowing for the maximum number of residential lots under current zoning and subdivision regulations.⁴

CONTRACTOR STORAGE YARD — An area, buildings and or structures used for the keeping of equipment, heavy equipment, materials, and vehicles relating to building construction and/or excavation.

CONTRACTUAL ACCESS — The right of a nonresident of a parcel or lot to use such parcel or lot as a means to utilize some feature or resource where said right is granted to a nonresident through membership in an organization or club or by legal contract or deed stipulation.

CONTRIBUTING FEATURE — An element of a building, structure or landscape that adds to the historic association, historic architectural quality, or archaeological values for which a property is significant because it was present during the period of significance, relates directly to the documented significance, and possesses historic integrity.

DAY CARE, FAMILY HOME — The providing of care in a home for up to 10 children of all ages, provided that no more than four of those children are under two years of age. (See Table 1 below.)

Table 1		
Day-Care Types by Number and Age of Children		
	Day Care, Family Home	Day Care, Group Family
Up to 10 children, all ages, with no more than 4 children under the age of 2	X	
Up to 12 children, all of which are over the age of 2		X

DAY CARE, GROUP FAMILY — The providing of care in a home for up to 12 children, all of which are over two years of age. (See Table 1 above.)

4. Editor's Note: See Parts 2 and 3 of this chapter, respectively.

DAY-CARE FACILITY — A place, person, association, corporation, agency or institution which provides care for children of all ages, with more than four of those children under two years of age.

DEDICATED OPEN SPACE — Lands, within or related to a development, that are intentionally set aside to be preserved as open space and which are designed and intended for the common use of and often for the enjoyment of the residents of the development. These are lands intentionally set aside for the protection of unregulated open space such as woodlands, farmland, and scenic view sheds. These lands may include complementary structures and improvements and regulated lands. Public access may be permitted through easements or other means.

DEMOLITION — The destruction and physical removal of any structure or portion of a structure.

DENSITY — The number of principal dwelling units per unit area of land.

DENSITY CALCULATION AREA — The total area of land subject to the application minus the regulated lands. The lot density is derived by dividing the density calculation area by the minimum lot size of the underlying zoning district.

DEVELOPMENT — Any building, construction, addition, alteration, change of occupancy, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself, including but not limited to the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any land disturbance or human activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, woodlands, wetland, rare or endangered species habitat, aquifer or other resource area, including shoreline construction or other activity.

DEVELOPMENT BOARD — The Board appointed by the Board of Trustee of the Village of Saranac Lake with the powers set forth in the Village Law and the Village of Saranac Lake Development Code,

DIRECTOR — The Director of Community Development for the Village of Saranac Lake as appointed by the Village Board of Trustees and empowered with the lawful and proper administration of this code.

DOCK — A structure, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include boathouses, piers, and wharves, crib docks, stake docks, floating docks and all such similar structures.

DOUBLE-FACED SIGN — A sign on which two sides are visible, either back to back or attached at an angle no greater than 45°. Two sign faces attached at an angle greater than 45° shall be considered a single-faced sign.

DRIVING RANGE — A tract of land designed and used for driving golf balls.

DWELLING UNIT — One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities for the exclusive use of a singly family maintaining a household.

DWELLING UNIT, SECONDARY — A dwelling unit, 500 square feet or less, either in or added to a single-family dwelling, or in a separate accessory building on the same lot as the principal dwelling, for use as a complete and independent housekeeping unit. Such a dwelling shall be clearly accessory and incidental to the principal dwelling.

DWELLING, CONDOMINIUM — A form of dwelling ownership that involves a building, or group of buildings, in which residential units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

DWELLING, MANUFACTURED HOME — A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode is eight feet (2,438 mm) or more in width or 40 feet (12,192 mm) or more in length; or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle. Manufactured homes are not considered to be single-family dwellings.

DWELLING, MULTIFAMILY — A building or portion thereof containing three or more entirely separate dwelling units separated by walls and/or floors and designed for occupancy by three or more families living independently of each other. The dwelling units may be owned in common or separately but shall not include townhouses as defined below.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit designed for occupancy by one family. Manufactured homes (mobile homes) are not considered to be single-family dwellings.

DWELLING, TOWNHOUSE (ROW HOUSE) — A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any unit by one or more vertical, common, fire-resistant walls. Townhouses shall include separate fee ownership of the land underlying each unit but may also include commonly owned lands associated with the townhouses.

DWELLING, TWO-FAMILY — A detached building containing two entirely separate dwelling units that are structurally connected and designed for occupancy by two families. Two-family dwellings may include remodeled single-family dwellings, row houses or other similar buildings.

EASEMENT — A legally binding document which provides the grantee with specific entitlements related to the use and enjoyment of the grantor's property.

ELDERLY HOUSING, ASSISTED — Dwellings designed for, and occupied by, at least one person 55 years of age or older per dwelling unit and which has significant facilities and care services specifically designed to meet the physical and social needs of older persons.

ELDERLY HOUSING, INDEPENDENT — Dwellings designed for, and primarily occupied by, at least one person 55 years of age or older per dwelling unit.

ELECTRIC VEHICLE CHARGING STATION — An accessory structure consisting of a public or private parking space that is served by battery-charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ELEVATED BUILDING — A nonbasement building which is built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and which is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

ERECT — To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

EXCAVATION — Any extraction from the land of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits. Also, see "mining."

EXTENDED-CARE FACILITY — An establishment or distinct part of an establishment licensed or approved as a nursing home by a governing agency, infirmary unit, or a home for the aged, or a governmental medical institution providing continuous personal-care services for more than 30 days.

FACADE — The exterior walls of a building exposed to public view.

FACING (or SURFACE) — The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

FAMILY — One or more persons, not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit. For the purpose of this chapter, "family" does not include a group occupying a boardinghouse, lodging house, club, fraternity or hotel or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARMER'S MARKET — The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar nonanimal agricultural products, occurring in a predesignated area and/or building, where vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

FENCE — An artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

FENESTRATION — The arrangement, proportioning, and design of windows and doors in a building.

FLOOD — The temporary overflowing of water onto land that is usually devoid of surface water.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

B. "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this section.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source. (See definition of "flood" or "flooding.")

FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — See "regulatory floodway."

FLOOR AREA — The sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the center line of the walls separating two buildings. Unheated porches, terraces, cellars, basements and enclosed off-street parking areas shall not be included in calculation of floor area.

FORESTRY — The act of growing trees, harvesting timber or replanting trees that may be in accordance with a management plan endorsed by the Department of Environmental Conservation.

FORESTRY or TREE CLEAR-CUTTING — Any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle.

FORESTRY or TREE SELECTIVE CUTTING — The removal of a single or scattered number of trees over six inches in diameter at breast height or species of trees, on a lot, in a stand of timber, or within a specified area and not resulting in soil erosion or noticeable ground disturbance.

FORESTRY USE — Management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems.

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

FUNERAL HOME — A building used by a licensed mortician for burial preparation, funeral and related services.

GARAGE, PRIVATE — An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for a fee therein and no spaces therein for more than three cars are leased to a nonresident of the premises.

GARAGE, PUBLIC PARKING — A structure or portion thereof used primarily for the parking and storage of vehicles and available to the general public.

GARDEN FENCE — A fence that is used to protect gardens from animals. Garden fences shall only enclose areas dedicated to the growing of fruits, vegetables, and ornamental flowers. Temporary garden fences may only be erected between April 15 and October 15 and may only be constructed of materials commonly used for such applications but are otherwise exempt from the provisions of this code. Permanent garden fences may be constructed of

materials commonly used for such applications and may not exceed eight feet in height or be located in the front yard, and shall otherwise be subject to the provisions of this code. Temporary garden fences may be located in the front yard.

GASOLINE STATION — Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and which may include a canopy, facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car-washing equipment.

GASOLINE STATION/RETAIL SALES — Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and which may include a canopy, along with a retail establishment selling primarily food products, household items, newspapers and magazines, candy, beverages and a limited amount of freshly prepared foods, such as sandwiches and salads, for off-premises consumption.

GOVERNMENT OFFICE — A room or group of rooms used for conducting the affairs of units, departments or agencies of municipal, county, state or federal governments and generally outfitted with desks, tables, files, computers, and communications-related equipment.

GREENHOUSE, COMMERCIAL — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. These shall be considered an agribusiness.

GREENHOUSE, PRIVATE — An accessory building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROUND SIGN — Any single or double-faced sign supported by uprights or braces placed upon the ground and not attached to any building.

GROUP HOME — A residential dwelling unit occupied by unrelated individuals as a single nonprofit housekeeping unit only if all said occupants, with the exception of supervisory personnel, are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988. Such unrelated individuals shall have the right to occupy a residential dwelling unit in the same manner and to the same extent as any family unit as defined in this section.

HEAVY EQUIPMENT REPAIR — Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, trucking yard terminals, tractor and farm implement repair services, and machine shops, specifically excluding dismantling or salvaging of vehicles.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC BUILDING/STRUCTURE — A building or structure listed on or eligible for listing on state and/or national registers.

HISTORIC DISTRICT — A delineated area as listed on state and national registers.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION — A domestic or service activity conducted entirely within the dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes and does not change the character thereof. A home occupation is an accessory use to a residential use as regulated under § 106-93 of this code.

HOMEOWNERS ASSOCIATION — A community association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. The association may be responsible for enforcing certain covenants and restrictions agreed to by individual owners.

HOSPITAL — A facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, for the prevention, diagnosis or treatment of human disease, pain, injury deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, lying-in asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions.

HOTEL — An establishment which provides overnight sleeping accommodations for transient guests and provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service. A hotel may also provide restaurants, meeting rooms, entertainment and recreational facilities. This term includes the terms "motel" and "inn."

HOUSEKEEPING COTTAGE — A one-story building containing a single unit made up of a room or group of rooms, containing facilities for eating, sleeping, bathing and cooking, rented to transient guests for a period usually not exceeding 30 days.

HOUSEKEEPING UNIT (as in singular group) — The functional equivalent of a traditional family, whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities (e.g., meals, chores and expenses). This does not include a boarding house.

HUNTING/FISHING CAMP OR CABIN — A cabin, camp or lean-to or other similar structure designed and used only for occasional occupancy and primarily for hunting, fishing, and similar purposes that:

- A. Is a one-story structure but may include a sleeping loft;
- B. Is built on posts or piers and does not have a permanent foundation;
- C. Is served by a sanitary pit privy or chemical toilet and does not have a conventional, on-site wastewater treatment system;
- D. Does not have pressurized or indoor plumbing (This prohibition does not preclude a kitchen sink with appropriate grey water leach pit.); and
- E. Is not connected to any public utilities (such as electric, phone, cable, water or sewer systems).

HYDRIC SOILS — Soils that are saturated, flooded, or ponded long enough during the growing season to develop anoxic conditions in the upper part of the soil profile.

IMPERVIOUS SURFACE — A surface that has been compacted or covered with a layer of material (i.e., asphalt, gravel, stone, and concrete pavers) so that it is highly resistant to infiltration by water.

INCENTIVE ZONING — The system by which specific incentives or bonuses are granted, pursuant to § 7-703 of the New York State Village Law, on condition that specific social, economic, or cultural benefits or amenities are provided to the community.

INCENTIVES or BONUS — Adjustments to the permissible density requirements of this code in exchange for a specific community benefit or amenity that provides for the significant preservation of open space in a manner not otherwise allowed by this code; these adjustments may incorporate two or more noncontiguous parcels of land.

INCIDENTAL (AND SUBORDINATE TO) — Means, for purposes of the definitions of "accessory use" and "accessory structure," a structure or use which commonly accompanies or is associated with the type of principal land use that is located on the same property.

INDUSTRIAL PARK — A tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics and compatibility.

INDUSTRIAL USE — Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communications, electric,

gas and sanitary services; and wholesale trade. These uses are listed under the "Industrial" land use type in Schedule 1, Allowed Uses.⁵

INDUSTRY, TYPE I — A use involving the assembly, manufacturing and/or processing of a product, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery.

INDUSTRY, TYPE II — An industrial process for the manufacturing, processing, cleaning or assembly of any product, commodity or article which is not considered light industry, but not including:

- A. Refineries;
- B. Cement manufacturing;
- C. Slaughterhouses;
- D. Explosives manufacturing;
- E. Manufacture, fabrication or assembly of nuclear weapons or components of nuclear weapons;
- F. Any storage, transfer, use and/or processing of toxic or hazardous wastes, including medical wastes, sewage sludge and any materials containing pathogens;
- G. Any manufacture, storage, use, processing, generation and/or storage of corrosive, highly toxic, oxidizing, pyrophoric, water-reactive, highly combustible, flammable, or explosive materials that constitute a high fire, explosion or health hazard, including but not limited to loose, combustible fibers, dust and unstable material;
- H. Any manufacture, storage, transportation, processing and/or any other use of any substance potentially dangerous to the public health, safety and welfare, including generation of any such material as a byproduct or waste product; or
- I. The burning, gasification or other combustion or chemical conversion, by any process, of any fuel or material of any form or nature; whether solid, liquid, gaseous, or other; which would result in the generation, creation or release of heat, electricity or any other form of energy or fuel, whether directly or indirectly.

INN — See "hotel."

INTERMEDIATE-CARE FACILITY — An establishment that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, for up to 30 days, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled-nursing facility provides.

JUNK — Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition. This may include unregistered and inoperable vehicles, tires,

5. Editor's Note: Schedule 1 is included as an attachment to this chapter.

vehicle parts, equipment, metal, glass, building materials, household appliances, machinery, brush, wood, lumber, or other discarded materials.

JUNKYARD — Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, dismantling, purchase, sale, salvage, or disposal of junk.

KENNEL — Any place where any number of domestic animals are kept for the purpose of selling such animals and/or breeding, or boarding, the same for sale, and where the keeping, breeding, boarding and/or selling of such animals is not merely incidental to the primary use of such premises for residential occupation.

LAND DISTURBANCE — Any activity involving the clearing, cutting, excavating, filing, or grading of land or any other activity that alters existing land topography or ground cover.

LAND USE CLASSIFICATION — Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York.

LAND USE OR DEVELOPMENT — Any construction or other activity which materially changes the use or appearance of land or a structure. Land use and development shall not include any ordinary repairs or maintenance or interior alterations to existing structures or uses.

LANDFILL — Any disposal area or tract of land, unit or a combination, licensed or approved by the appropriate governmental agency, that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain solid wastes.

LIBRARY — A facility containing books, periodical publications, internet accessibility, and data and information in electronic formats for the purpose of reading, research, study and personal and professional enrichment.

LICENSED ENGINEER — A person performing a professional service such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data and holding a duly authorized license from the Commissioner of the New York State Department of Education.

LINE, STREET (also RIGHT-OF-WAY (ROW) LINE) — The dividing line between the street and the lot.

LIVESTOCK — Includes, but is not limited to, horses, cattle, goats, sheep, swine, llamas and alpacas, fowl, ratites (such as ostriches, emus, rheas and kiwis), farmed deer, farmed buffalo and fur-bearing animals.

LOADING/RECEIVING AREA — A portion of a structure which is reserved for the primary purpose of providing structural access for the arrival and dispersal of goods and products transported by truck or rail.

LOT — A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

LOT AREA — The total area within the boundary lines.

LOT LINE — Any line dividing one lot from another.

LOT LINE ADJUSTMENT — The process for adjusting property lines between lawfully created lots. It is not permissible for this process to reduce the size of a lot so that it contains insufficient area and dimension to meet minimum requirements of this code.

LOT LINE, FRONT — The lot line, which abuts upon a street or highway ROW boundary, or shoreline if the principal structure faces such shoreline.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT OF RECORD — Any lot which has been established as such by plat, survey, record or deed prior to the effective date of this chapter, as shown in the records of the Village Assessor.

LOT WIDTH — The width of the lot measured at the front building line of the principal building. If no principal building exists, the lot shall be measured from the front setback line.

LOT, CORNER — A lot abutting upon two or more streets at their intersection.

LOT, FLAG — A lot with a narrow front lot line and with narrow lot width extending through the lot and then widening before reaching the rear lot line.

LOT, INTERIOR — A lot other than a corner lot.

LOT, SUBSTANDARD — A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the parcel is located.

LOT, THROUGH — An interior lot having frontage on two parallel or approximately parallel streets.

LOWEST FLOOR — The lowest floor of the lowest enclosed area, including a basement or cellar. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this chapter.

MAJOR PROJECT — A project that requires a special permit and that exceeds any of the thresholds for a minor project.

MAJOR SUBDIVISION — See "subdivision, major."

MANUFACTURED HOME — See "dwelling, manufactured home."

MANUFACTURED HOME COMMUNITY — A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes, appurtenant structures, or additions.

MANUFACTURED HOME LOT — A designated site within a manufactured home community for the exclusive use of the occupants of a single manufactured home.

MANUFACTURING — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as oils, plastics, resins, or liquors.

MARINA — A facility for the servicing, fueling, berthing, and securing of boats and which may include eating, lodging, and retail facilities for owners, staff and patrons.

MARINA, TYPE I —

A. A facility which provides services or berthing places for vessels by engaging in any of the following:

- (1) The sale of marine products or services, except for such sale as part of a dry land facility which does not quick-launch vessels or regularly service vessels berthed on the water;
- (2) The sale, lease, rental or charter of vessels of any type;
- (3) The operation of a boat launch;
- (4) The offering of rides, instruction or water-based recreation for a fee;
- (5) The operation of a quick-launch facility regardless of the location where the vessels are stored; or
- (6) The storage, berthing or mooring of two or more motorized vessels and/or nonmotorized vessels 18 feet in length or more not registered to the owner of the property, regardless of remuneration or profit.

B. Exceptions:

- (1) The use of residential or association docks, wharfs or moorings by the owner of the facility, the owner's family or the owner's gratuitous guest, or such use by a person as part of the single-family residential rental of a residence or a residential unit which includes the use of a dock, wharf or mooring;
- (2) Docks, wharfs and moorings used as an accessory use to a hotel, motel, inn, housekeeping cottage, campground or recreational vehicle park, used exclusively by registered guests;
- (3) Docks, wharfs, and moorings used as an accessory use to a restaurant, used exclusively by patrons while dining at such restaurant; and
- (4) Docks, wharfs and moorings used exclusively by persons engaged in the sale of fishing products or the sale and service of scuba products.

C. The exceptions as listed above shall not apply to facilities which are otherwise engaged in any of the services or activities set forth in Subsection A, items (1) through (5), of this definition.

MARINA, TYPE II — Any dock, wharf or mooring made available for use by any person as a berthing place for one motorized vessel or one nonmotorized vessel 18 feet in length or more not registered to the owner of the property, regardless of remuneration or profit, except:

- A. The use of residential or association docks, wharfs or moorings by the owner of the facility, the owner's family or the owner's gratuitous guest, or such use by a person as part of the single-family residential rental of a residence or a residential unit which includes the use of a dock, wharf or mooring;
- B. Docks or wharfs used as an accessory use to a hotel, motel, inn, housekeeping cottage, campground or recreational vehicle park, used exclusively by registered guests;
- C. Docks, wharfs, and moorings used as an accessory use to a restaurant, used exclusively by patrons while dining at such restaurant; and
- D. Docks, wharfs and moorings used exclusively by persons engaged in the sale of fishing products or the sale and service of scuba products.

MASSING — The arrangement of forms, elements, or individual components of building design.

MATERIAL CHANGE — Land use or development that:

- A. Requires site plan review and approval, a special use permit, a use variance and/or an area variance;
- B. Requires an area variance; or
- C. Could potentially alter the impact of the building or structure to neighboring properties, to the surrounding environment, or to the capacity and/or performance of public infrastructure. Such a development shall be considered material if one of the following circumstances is proposed:
 - (1) An addition of 5% or more to a principal building/structure or accessory building/structure;
 - (2) Any alteration affecting 5% or more of a principal or accessory building/structure or change of occupancy of a principal or accessory building/structure or portion thereof;
 - (3) Any change of use of a principal or accessory building/structure, or land or portion thereof;
 - (4) A 5% or larger increase in the area of the lot covered by impervious surfaces;
 - (5) A 5% or larger decrease in the area of the lot covered by pervious surfaces;
 - (6) The stormwater drainage patterns, collection or treatment systems, discharge points or collections areas of the lot are to be temporarily or permanently altered;
 - (7) The amount of vehicle parking and/or loading areas is to be temporarily or permanently altered by 5% or more;

- (8) The pedestrian or vehicular access points to and from the lot or development are to be temporarily or permanently altered;
- (9) The landscaped areas or areas of natural vegetation are to be temporarily or permanently altered by 5% or more;
- (10) The replacement or removal of windows, siding, trim, dormer and other contributing architectural features of any historic building or structure;
- (11) Painting and staining other than touch-up of any building or structure in a Historic District; and
- (12) Any development that would result in nonconformance with any requirement or standard of this code.

MATERIAL STORAGE AREA — That portion of a site routinely used for the outdoor storage of any products, goods, or raw materials.

MAXIMUM BUILDING HEIGHT — The maximum height to which a building or structure may be constructed, measured from the lowest manipulated grade to the highest point of the structure. Limitations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to barns, silos, monuments, transmission towers and similar structures.

MAXIMUM LOT COVERAGE — The maximum percentage of the lot area that may be covered by the combined area of all buildings, structures, or impervious surfaces on the lot.

MEAN HIGH-WATER MARK — The average annual high-water level of a body of water.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MEDICAL CLINIC — A facility in which one or more doctors trained in the healing arts, assisted by a staff; treat patients for a length of time that does not include overnight care.

METEOROLOGICAL TOWER (MET TOWER) — Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this code, met towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

MINING — The excavation, stockpiling or processing of sand, gravel, clay, topsoil, rock, stone or other natural material deposits as resource material for other manufacturing processes or construction activities.

MINOR PROJECT — A project that requires a special permit and that falls below all of the following thresholds:

- A. Construction of four or fewer multifamily dwelling units;
- B. Construction of facilities or structures for a nonresidential use covering no more than 2,000 square feet of building footprint;
- C. Minor alteration of existing structures or expansion of such structures by no more than 1,000 square feet;
- D. Conversion of existing structures to another use; and
- E. Alteration and active use of 5,000 square feet or less of land, with or without structures, in connection with the special permit use.

MINOR SUBDIVISION — See "subdivision, minor."

MIXED USE — The vertical development of a building with allowable uses in a compact, urban form that promotes human density and efficient use of land with a combination of residential and first-floor commercial uses as follows: retail sales, Type I; retail sales, Type II; retail store, convenience; tavern; restaurant; hotel/motel; antique shop; artisan shop.

MOBILE HOME — A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode is eight feet (2,438 mm) or more in width or 40 feet (12,192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

MODIFICATION — Any change to a building or structure that materially changes the size, type or location of the building or structure. Like-kind replacements shall not be construed to be a modification.

MOTEL — See "hotel."

MULTI-MODAL TRAIL — A pathway designed for and used by varying forms of transportation (i.e., bicycle, cross-country skiing, jogging, running, and pedestrian).

MUNICIPAL SEWER — An operational system, constructed and maintained for the collection and renovation of nonhazardous wastewater flows, which is either owned or maintained by a municipality or a public utility company.

MUNICIPAL WATER — An operational system, constructed and maintained for the purpose of distribution of potable water for general use, which is either owned or maintained by a municipality or a public utility company.

MUSEUM — A nonprofit, noncommercial establishment operated as a repository for a collection and display of historic artifacts, artistic pieces, nature-related items, sculptures,

scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected. A museum may include retail as an accessory use.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NET METERING — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system or solar electric system that is fed back into the electric distribution system over a billing period.

NONCONFORMING LOT — Any lot lawfully of record on the effective date of this code which does not meet the minimum lot area and/or lot width requirements of this code for the land use district in which such lot is situated.

NONCONFORMING SIGN — Any sign lawfully existing and maintained at the time of the adoption of this code but made nonconforming by the provisions hereof.

NONCONFORMING STRUCTURE/BUILDING — Any building or structure which is lawfully in existence on the effective date of this code but which is not in conformance with the location or dimensional regulations for that land use district.

NONCONFORMING USE — Any use which is lawfully in existence within a given plan district on the effective date of this code and which is not in conformance with the use regulations of this code.

NURSERY/TREE FARM, RETAIL — The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products to the general public.

NURSERY/TREE FARM, WHOLESALE — The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizer to landscapers, developers, builders, and retail nurseries.

NURSING OR CONVALESCENT HOME — An extended- or intermediate-care facility licensed or approved by the appropriate governmental agency to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OBSOLETE SIGN — A sign, including its frame, structure and other supporting elements, which advertises a business no longer conducted or a product no longer sold.

OFF-PREMISES SIGN — Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

OFFICE — A building used primarily for conducting the affairs of a business, profession, service, industry, or like activity, and may include auxiliary services for office workers.

ON-SITE SEPTIC DISPOSAL — A set of components or systems that treat, convey, and dispose of domestic wastewater on the same parcel or adjoining parcel.

ONE-HUNDRED-YEAR FLOOD — See "base flood."

ONE-WAY-VISION SIGN — A sign with perforated material used on a window with graphic design and/or color on one side that is not visible from the other side. The material used on the sign may provide a clear, tinted view from one side through the window panel.

OPEN SPACE — Land not covered by buildings, pavement, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

OPEN SPACE RECREATION — Any recreational activity particularly oriented to and utilizing the outdoor character of an area.

OUTDOOR FURNACE — Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

OUTDOOR STORAGE, TYPE I — The keeping, in an enclosed area, of items and vehicles that are incidental to the principal residential use of a lot.

OUTDOOR STORAGE, TYPE II — The keeping, in an unenclosed area, of any goods, material, or merchandise in the same place for more than 24 hours.

OVERLAY DISTRICT — A special land use district which encompasses a delineated geographic area of the Village for the purpose of protecting, enhancing or developing one or more community resources.

OWNER — The titleholder of record of real property or, if deceased, his/her estate.

PARK — A tract of land, designated and used by the public, for active and passive recreation.

PARKING LOT, PRIVATE — An accessory use involving any parking space, other than along a street or public ROW, for the storage of more than three vehicles on a continuing basis for the exclusive use of the owners of the lot or whomever else the owner permits to use the parking lot.

PARKING LOT, PUBLIC — An accessory use involving any parking space, other than along a street or public ROW, for the storage of more than three vehicles on a continuing basis and available to the public.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 162 square feet, exclusive of passageways.

PERFORMANCE STANDARDS — The specific provisions of this chapter which have been created for the purpose of fulfilling the goals and objectives of the Village of Saranac Lake Comprehensive Plan and the Village LWRP and improving the health, safety and welfare of the residents of the Village.

PERMANENT FOUNDATION — Includes footings below frost line.

PERMITTED USE — Any use allowed in this code and subject to the restrictions applicable.

PERSON — Any individual, corporation, partnership, association, trustee, the state and all political subdivisions of the state or any agency or instrumentality thereof.

PERSONAL SERVICES — Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

PHYSICAL CONSTRAINTS — The physical elements of a site (i.e., steep slopes, wetlands, hydric soils, lakes, ponds, streams, etc.) that are not conducive to the development of buildings, structures and/or roads and driveways.

PLACE OF WORSHIP — A building or structure, or group of buildings and structures, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith.

PLANNED UNIT DEVELOPMENT DISTRICT — An area of land in which a variety of land use types are accommodated in an integrated and preplanned manner under more flexible standards than would normally apply under these regulations, the approval of which involves requirements in addition to those of the standard subdivision, such as building design and landscaping and open spaces.

PLAT — A map, plan or layout of the Village, or a section or subdivision thereof, indicating the location and boundaries of individual properties and streets.

POWER GRID — The transmission system, managed by publically regulated utilities, created to balance the supply and demand of electricity for consumers in New York State.

PRIMARY ENTRANCE — The point of ingress and egress most often used for entering or exiting a building. For garages, the primary entrance is the point of ingress and egress for vehicles entering or exiting the garage.

PRINCIPAL USE — The main or primary purpose for which land or a building is used, occupied or maintained. When more than one use is on a lot, the most intense use shall be considered the main or primary use.

PRINCIPAL USE SIGN — A sign which identifies or advertises a profession, business or place where goods or services may be obtained and situated upon the premises where the sign is located.

PRINCIPALLY ABOVE GROUND — When at least 51% of the actual cash value of a structure, excluding land value, is above ground.

PRIVACY FENCE — A fence, including gates, constructed of a solid material and providing an opaque or blocked view.

PRODUCE STAND — A structure designed for the sale of farm products, such as fruits, vegetables and flowers.

PROJECTING SIGN — A double- or single-faced sign mounted to an exterior wall of a building or structure and which projects out from the wall more than six inches.

PUBLIC OR SEMIPUBLIC BUILDING — Any component building of a college, school, hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

PUBLIC RIGHT-OF-WAY (ROW) — A parcel of land in public ownership open to the public for vehicular or pedestrian access.

PUBLIC SEWER AND WATER SERVICE — Any system of components, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, public utility, or transportation corporation for the collection, treatment, and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY FACILITY — A building, structure or land use in connection with the transportation/highway functions and/or the transmission, distribution or regulation of public water, gas, electric, sewer, telecommunications, or other public utility service.

PUBLIC/INSTITUTIONAL USE — Public and quasi-public land uses such as churches, clubs, lodges, public schools, private schools, colleges, museums, fire and police stations, public utilities, and public buildings. These uses are listed under the "Public/Institutional" land use type in Schedule I, Allowed Uses.⁶

QUICK-LAUNCH FACILITY — A facility or an activity whereby vessels are stored on land and periodically launched for use during a single boating season. The periodic storage, launching and storage of a vessel by the same person at the same location shall be presumed to be a quick-launch facility; provided, however, that the storage of a vessel on residential property for use by the owners or lessees of that property shall not be a quick-launch facility regardless of the number of times the vessel is launched and stored during a single boating season.

RAILROAD DEPOT — A building where passenger trains arrive and depart, usually equipped with facilities for the accommodations (i.e., parking lot) of passengers of the trains.

RAILWAY — A ROW accommodating the travel of trains.

RECONSTRUCTION — The remodeling, renovation or rebuilding of a building or structure.

RECREATION FACILITY OR USE — A use of land, water, structures or buildings designed and equipped for the conduct of sports and leisure-time activities.

RECREATION FACILITY, PRIVATE — A recreation facility operated by a private organization and open only to members or guests.

RECREATION, ACTIVE — Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE — Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking and board and table games.

⁶ Editor's Note: Schedule I is included as an attachment to this chapter.

RECREATIONAL PARK TRAILERS — Residential buildings that are manufactured at an off-site facility and then transported to a site for permanent placement. It is not designed or intended for use as a permanent dwelling, sleeping place or other occupancy, but it is to provide temporary and/or seasonal living quarters.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECYCLING CENTER — A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

REGULATED LANDS — Regulated lands include:

- A. Freshwater wetlands as mapped pursuant to federal, NYSDEC and/or APA-designated wetlands;
- B. Water sources as classified pursuant to NYSDEC stream classification system;
- C. Slopes in excess of 15%; and
- D. Hydric soils identified on the United States Department of Agriculture Soil Survey for Essex and/or Franklin County.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a flood insurance study or by other agencies as provided in § 106-155 of this chapter.

REHABILITATION CENTER — A facility that provides in-patient and/or out-patient care, treatment, and/or rehabilitation services for persons recovering from illness or injury who do not require hospitalization. Services provided may also include residential stay, recreational activities and transportation.

REPAIR — The restoration to good or sound condition of any part of an existing building for the purpose of its maintenance.

RESEARCH AND DEVELOPMENT FACILITY — A building in which chemical, mechanical, physical, electrical or other research, production, design or development of materials or processes is conducted. The definition includes the term "laboratory."

RESIDENTIAL USE — Land uses such as single-family dwellings, two-family dwellings, multifamily dwellings, townhouses, manufactured homes, group homes, community houses, and rooming houses where the occupants are primarily permanent in nature (e.g., occupancy is

greater than 30 days). These uses are listed under the "Residential" land use type in Schedule I, Allowed Uses.⁷

RESTAURANT — A place where food and drink are prepared, served, and consumed, primarily within the principal building. Seating of patrons may occur outside on an open-air and/or seasonal patio or deck.

RESTAURANT, DRIVE-THROUGH — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RESTAURANT, FAST-FOOD — An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, off premises, or in vehicles on or off the premises.

RETAIL SALES, OUTDOOR — The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires and motor oil; food and beverages; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

RETAIL SALES, TYPE I — The selling or rental of goods or merchandise to the general public or to business clients, for personal use or household consumption, and the rendering of services incidental to the sale of such goods within a building less than 2,500 square feet in size.

RETAIL SALES, TYPE II — The selling or rental of goods or merchandise to the general public or to business clients, for personal use or household consumption, and the rendering of services incidental to the sale of such goods within a building greater than 2,500 square feet in size.

RETAIL STORE, CONVENIENCE — A retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, beverages and a limited amount of freshly prepared foods, such as sandwiches and salads, for off-premises consumption.

RETAINING WALL — A wall three feet tall or higher that resists lateral pressures and limits lateral displacement caused by soil, rock, water or other materials, except that basement and vault walls that are part of a building or an underground structure shall not be considered retaining walls.

ROOMING HOUSE — A single-family dwelling unit or either unit of a two-family dwelling (duplex) wherein two or more rooms with or without cooking facilities are rented for compensation for a period of more than 30 days. Where one room is rented within a single-family dwelling unit or either unit of a two-family dwelling, it shall be considered an accessory use.

7. Editor's Note: Schedule I is included as an attachment to this chapter.

SATELLITE RECEIVING ANTENNA — A parabolic or dish-shaped device designated to receive radio waves.

SAWMILL — Any building, site or place used for the cutting or milling of raw timber into dimensional lumber.

SCHOOL — Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge. Associated services may include sports/recreational activities and support/administrative functions and facilities.

SELF-SERVICE STORAGE FACILITY — A building or group of buildings, consisting of individual, self-contained space, that are leased or owned for the interior storage of business and household goods or wares.

SENIOR LIVING COMMUNITY — An integrated group of dwellings providing an independent-living community in which the premises, building or buildings provide congregate living arrangements in which at least one person occupying each residential unit meets the definition of elderly.

SETBACK — The distance between the building line and any lot line.

SHADOW FLICKER — The visible flicker effect when rotating blades of a wind generator cast shadows on the ground and nearby structures, causing a repeating pattern of light and shadow.

SHARED-ACCESS DRIVE — Any privately owned curb cut and/or traveled way which provides common access to more than one property.

SHOPPING CENTER — A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SIGN — Any announcement, declaration, demonstration, display, illustration, insignia or visually communicative or expressive device used to advertise or promote the interests of any person when the same is placed in view of the general public, but does not include street and directional signs erected and maintained pursuant to and in discharge of any governmental function.

SIGN AREA — The entire face of a sign, including frame and all wall work included within the frame area. If a sign is composed of individual letters, figures or designs attached directly to the building, the space between such letters, figures or designs shall not be included as part of the sign area.

SINGLE-FACED SIGN — A sign only one side of which is visible.

SITE PREPARATION — Disturbance of land, removal of vegetation or construction of improvements to buildings or infrastructure in connection with any development.

SKI CENTER — Any trail or slope of Alpine (downhill) and/or Nordic (cross-country) skiing, including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance

facilities, parking lots and other buildings and structures directly and customarily related thereto.

SLOPE — The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOLAR COLLECTOR — An accessory structure consisting of a device, or combination of devices, or part of a device that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLID WASTES — Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding or crockery.

SPECIAL EVENT — An activity (occurring one or more times) involving the assembly of, or the intention of attracting, 50 or more people for cultural, ceremonial, educational, or celebratory purposes, which generates revenue and regardless of status. Such assembly includes, but is not limited to, weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food-tasting events, executive retreats, circuses, fairs, carnivals, festivals, auctions, fundraisers, concerts, and any event which is advertised or marketed in any form, including, but not limited to, posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services (e.g., food and drink); and whenever there is an admission fee or leasing fee. This definition does not include private parties or private functions that do not meet the above-stated criteria.

START OF CONSTRUCTION — Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials. For manufactured homes, the actual start means affixing of the manufactured home to its permanent site.

STEEP SLOPES — Land areas where the slope exceeds 15%.

STORAGE SHED — An accessory structure or building used to stow away items.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it, and including basements intended for occupancy.

STRUCTURE — A combination of materials that form a construction for use, occupancy, or ornamentation installed above the surface of land or water.

SUBDIVISION — A division of any residential, commercial or industrial land into two or more lots, parcels or sites, for the purpose of sale, lease, license or any form of separate ownership or occupancy by any person or by any other person controlled by or under common control with any such person or group of persons acting in concert as part of a common scheme or plan; provided, however, that this shall not apply to conveyances of small amounts of land to correct a boundary of a lot, so long as such conveyance does not create

additional lots. The sale of a landowner's entire ownership on one side of a public road or highway will not be considered a subdivision requiring approval. Any lot created pursuant to the preceding sentence will be deemed created as of the date of the conveyance which divides the land along the road or highway, providing that said lot conforms to the requirements of this code.

SUBDIVISION, MAJOR — Any subdivision of land that does not meet the definition of a minor subdivision.

SUBDIVISION, MINOR — A dividing of land into lots that does not involve any of the following:

- A. A division of land resulting in more than four lots;
- B. A planned unit development district (PUDD);
- C. Any new public ROW; and
- D. The extension of any new sewer collection mains or water distribution mains.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SWIMMING POOL — A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

TAVERN — An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold. Seating of patrons may occur outside on an open-air and/or seasonal patio or deck.

TELECOMMUNICATIONS TOWER — Any structure greater than 35 feet in height which is capable of receiving and/or transmitting signals for the purpose of communications.

TEMPORARY — Continuing for a limited amount of time.

TEMPORARY USE SIGN — A sign with or without a structural frame, not permanently attached to the ground, a building or other structure, and intended to be used for a limited period of time.

TENNIS COURT, PRIVATE — An accessory use of an improved area used for playing tennis without illumination of any kind.

TIMBER HARVESTING — The periodic removal of selected, individual trees within a defined area.

TOURIST ATTRACTION — Any man-made or natural place of interest open to the general public, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

TOWNHOUSE — See "dwelling, townhouse."

TRADITIONAL ARCHITECTURE — Local representative traditions/style, including most of the late 19th and early 20th Century styles such as Victorian, neoclassical, shingle and bungalow styles.

TRANSFER STATION — An intermediate destination for solid waste that may include separation of different types of waste and aggregation of smaller shipments into larger ones.

TRANSIENT MANUFACTURED HOME COMMUNITY — A parcel of land used for the placement of three or more manufactured homes for occupancy on a transient basis not to exceed three months in duration.

TRAVEL TRAILER or TRAVEL VEHICLE — Any portable vehicle, including a tent camper or motor home, less than 300 square feet in size, which is designed to be transported on its own wheels and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a manufactured home/mobile home.

USABLE SATELLITE SIGNAL — Satellite signals from a major communications satellite that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

USE — The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are utilized, occupied or maintained.

VARIANCE — A grant of relief from the requirements of this code which permits construction or use in a manner that would otherwise be prohibited by this code.

VARIANCE, AREA — The authorization by the Development Board for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE — The authorization by the Development Board for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VESSEL — Any description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

VETERINARY CLINIC/HOSPITAL — A facility providing health services and medical or surgical care to animals suffering from illness, disease, injury, deformity and other abnormal conditions, including related facilities such as laboratories and boarding facilities.

WALL SIGN — Includes a sign placed against or painted on a building as well as letters, numbers, characters or designs affixed directly on a building or other structure.

WAREHOUSE — A building used to store or hold products or articles for use in assembly or manufacturing or for future transfer of said product or article to another location.

WETLAND — Any land that is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

WIND POWER SYSTEM — An accessory structure consisting of the blades and associated mechanical and electrical conversion components mounted on top of a tower, whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity and has a rated capacity of 25 kilowatts or less.

WIND POWER SYSTEM HEIGHT — The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

WIND POWER SYSTEM TOWER — The monopole or guyed monopole structure that supports a wind generator.

WIND POWER SYSTEM TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind generator.

WINDOW SIGN — A sign inside of a building but intended to be viewed from the outside.

WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES (including cellular towers and related facilities) —

- A. A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment;
- B. A Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving and relaying voice and data signals from various wireless communications devices and equipment.

For purposes of this code, amateur radio transmission facilities and facilities used exclusively for receive-only antennas (i.e., satellite receiving antennas) are not classified as wireless telecommunications towers and facilities.

YARD, FRONT — The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front lot line.

YARD, REAR — The space within and extending the full width of the lot from the rear lot line to the part of the principal building which is nearest to such rear lot line.

YARD, SIDE — The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.

ARTICLE III

Administration and Enforcement

§ 106-7. Community Development Director; powers and duties.

The Community Development Director (the "Director"), or his designee, is empowered to administer and enforce this code. Specifically, the Director shall have the following powers and duties:

- A. Administer procedures of this code;
- B. Initial review and processing of all applications submitted under this code;
- C. Issue administrative determinations and certificates of compliance pursuant to this code;
- D. Enforce the conditions of any variance, site plan review or special use permit issued pursuant to this code;
- E. Enforce all provisions of this code; and
- F. Determine the completeness of all applications submitted under this code.

§ 106-8. Formal determinations by Director; procedure.

- A. After reviewing a proposal for a development or land disturbance the Director shall make one of the following formal determinations:
 - (1) The development is subject to administrative review or approval from the Director; or
 - (2) The development is subject to site plan review and approval pursuant to Part 2, Article XI, of this code; or
 - (3) The development requires issuance of a special use permit pursuant to Part 2, Article XII, of this code; or
 - (4) The development is prohibited; or
 - (5) The development does not meet the dimensional standards of this code; or
 - (6) Such other determination as may be consistent with this code.

[Note: The change of land use or new land use or development may require approvals or permits from other state or federal agencies or departments not under the jurisdiction of this code, including but not limited to the United States Army Corps of Engineers (ACOE), New York State Uniform Fire Prevention and Building Code, the New York State Departments of Environmental Conservation (DEC), Health (DOH), and Transportation (DOT) and the Adirondack Park Agency (APA).]

- B. Procedure for determinations:
 - (1) Any person intending to engage in an activity that may be subject to this code should meet with the Director as early as possible to determine which, if any, permits or approvals may be required and which review procedures, if any, apply;
 - (2) A person seeking a formal determination from the Director shall file a request with the Village Department of Community Development (the "Department"), together with the appropriate fee. The request for the determination shall be submitted on forms provided for such purpose by the Village, and shall include a plan drawn to

scale showing the actual dimensions of the land to be built on or otherwise used, the size and location of all buildings or other structures or other uses to be built or undertaken, and such other information as may be necessary in the evaluation of the request and the administration of this code. Within 10 business days following the receipt of a request for determination, the Director shall notify the applicant of any additional information required for completion of the review. If no such notice is given within the specified time frame, then the request shall be deemed complete as filed. When all additional information is received, the Director shall acknowledge the same in writing;

- (3) The Director shall issue a written determination not later than 20 business days after receiving a completed request for determination;
- (4) An appeal from a determination made by the Director shall be made to the Development Board pursuant to Part 2, § 106-113, of this code within 60 days of such determination; and
- (5) A determination from the Director shall lapse one year following the date it was granted if the project has not been substantially commenced or the use has not been commenced. The Director may renew the determination once for a period of one year from the date it would have originally lapsed, provided that the facts upon which the original determination was granted have not changed.

§ 106-9. Procedure for administrative review.

- A. Description. Administrative review provides relief from carrying out a requirement of this code that may cause a minor practical difficulty.
- B. Initiation. The property owner, or person expressly authorized by the property owner in writing, may initiate an administrative review.
- C. Eligibility. The applicant is eligible to apply for an administrative review for up to a ten-percent adjustment from any dimensional or physical requirement of this code.
- D. Authority. The Director must review and take action on requests for an adjustment.
- E. Procedure.
 - (1) An administrative review application must be filed with the Director.
 - (2) The Director shall review the application for completeness based on the following list of information:
 - (a) The name and address of the applicant making the request;
 - (b) A description of the adjustment, including a quantification by percentage requested; and
 - (c) A scaled drawing with dimensions shown illustrating buildings and/or structures involved with the adjustment.

- (3) Once all necessary information is received the Director shall determine the application to be complete.
 - (4) Upon receipt of the determination of application completeness, the applicant shall provide written notice to each adjoining property owner that an application for administrative review is being requested from the Director. The notice shall include a description of the project for which adjustment sought, the level of adjustment sought, the address where written objection to the project may be written, and the date by which the written objection must be received. Within five days after provision of the notice to adjoining property owners, the applicant shall provide to the Director a copy of the notice sent, a list of the adjoining property owners receiving the notice, and written evidence (i.e., mail certification receipts) that the notice has been properly made to each adjoining property owner.
 - (5) If a written objection to an administrative review is received by the Director prior to the date of the Director's determination, the application must be resubmitted as a zoning variance to the Development Board. No additional fees shall apply.
 - (6) Within 30 days of the determination of application completeness, the Director must approve, approve with modifications, or disapprove the application. The failure of the Director to act within 30 days of receipt of a complete application will be deemed a disapproval of the application, except where this thirty-day period is extended by mutual consent of the applicant and the Director.
 - (7) The Director may, at his/her discretion, determine that, because of its nature, a proposed administrative adjustment must be resubmitted as a zoning variance to the Development Board. No additional fees shall apply.
- F. Approval standards. The Director must make written findings of fact on the following standards:
- (1) The benefits to the applicant of the approval of the adjustment outweigh any detriments to the public health, safety, and welfare; and
 - (2) The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than through the administrative review.
- G. Expiration.
- (1) The adjustment approved as a result of the administrative review expires within one year from the date of approval, if a building permit or certificate of occupancy has not been issued and no request for a time extension is sought within the original period of validity.
 - (2) The Director may extend the time for expiration of an approved adjustment for one year, upon a showing of good cause by the applicant. A request for extension must be made in writing to the Director within the original period of validity.
- H. Appeals. An aggrieved party may appeal the adjustment decision of the Director to the Development Board in accordance with Part 2, § 106-113, of this code. The appeal must be filed with the Director within 30 days after the date of the adjustment decision.

§ 106-10. Procedure for administrative approval.

- A. Permit application. Applications for administrative approval shall be made in writing on a form provided by or otherwise acceptable to the Director. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Director deems sufficient to permit a determination by the Director that the intended land use or development complies with all applicable standards of this chapter. The Director shall issue an administrative approval upon such a finding.
- B. Applicability. Administrative approval from the Director shall be required for all land use or development as set forth in Schedule 1, Allowed Uses,⁸ and for land use or development as set forth in Article XIII, Design Standards, and Article XIV, Supplemental Standards, of this chapter that does not otherwise require site plan review or a special use permit pursuant to this chapter.

§ 106-11. Notice of decision by Director or Development Board.

- A. A notice of decision shall be issued by the Director after any approval, disapproval, approval with conditions, or granting or denial of a variance is made by the Director or the Development Board. The notice of decision shall describe the action taken and any associated conditions. The notice of decision shall be issued in duplicate with one copy provided to the applicant and the second kept on file in the Village offices. When issuing a notice of decision for an approval or approval with conditions, the Director shall sign, date, and return one copy of the approved plans bearing the notation "Approved." No person shall perform any construction or otherwise undertake a project requiring a permit unless a notice of decision for such project is issued as set forth in the manner as specified above, nor shall any person perform such activities after revocation of a notice of approval;
- B. If the Director determines that an application or accompanying plans are false or misleading, or that work being done upon the premises differs from what is allowed by the approval as issued, the Director may forthwith revoke the notice of approval. Examples of differences between permitted plans and work being done include, but are not limited to, quantifiable change or expansion in the use of land and/or a building, physical alteration of the natural landscape or alteration/expansion of a building or structure (principal or accessory) in a manner that is different from the plans as filed with the permit. The permittee and/or the owner of the property shall upon revocation of approval from the Director cease the use, activity, or construction associated with the proposed development; and,
- C. A notice of decision for an approval, approval with conditions, or a variance issued pursuant to this code shall lapse one year following the date it was issued if the project has not been commenced or the use has not been commenced. Upon a request filed prior to lapsing of the notice of decision the board granting the approval may renew the notice of decision for a period of one year from the date it would have originally lapsed,

8. Editor's Note: Schedule 1 is included as an attachment to this chapter.

provided that the facts upon which the original determination was granted have not changed. The Development Board may provide for a subsequent renewal, upon request made before lapsing of the notice of decision, provided that the facts upon which the original determination was made have not changed.

§ 106-12. Material changes in use.

When a structure, building or parcel materially changes in use (See the definition of "material change of use" in § 106-6.), the owner shall be responsible for submitting the proposed change to the Director for a determination as listed in § 106-8. Any addition, enlargement, expansion or change that alters the intent of an approved site plan requires review and approval from the Development Board prior to undertaking the material change.

§ 106-13. Material misrepresentations.

Any determination or notice of decision issued under this code shall be void if it is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known.

§ 106-14. Site inspections.

The submission of a request for a determination, or submission of an application for any other approval, variance or matter covered by this code, shall constitute consent to the Director, Village employees, and to members or designees of Village boards with jurisdictional authority over such review and approval procedures to conduct such inspections, tests and examinations of the site as the Director or board having jurisdiction deems necessary and appropriate for fulfilling the purposes of this code.

§ 106-15. Certificates of compliance.

No use for which a permit or approval was issued shall be occupied or maintained except pursuant to a certificate of compliance issued by the Director. The Director, within 10 working days after receipt of a request for inspection of a project or operation of a use for which a permit or approval has been issued, shall inspect and issue a certificate of compliance if the project has been completed or the use is being operated in compliance with all terms of the permit or approval and with all applicable provisions of this code and other laws and regulations. Such certificate shall constitute a permit to occupy and/or conduct the use. If the project involves the construction of a building or structure, a building permit and associated certificate of occupancy must also be issued before the building or structure can be occupied.

§ 106-16. Required records.

The original or a certified copy of all decisions, approvals, rulings and findings of any board under this code, and of all permits and certificates issued under this code, shall be maintained by the Director and retained as a permanent Village public record. Audio recordings of any

board proceedings shall be kept by the Village Clerk for a period of not less than three years from the date of such meeting.

§ 106-17. Petition, application and appeal forms.

Unless otherwise stated, all petitions, applications and appeals provided for in this code shall be made on forms prescribed by the Director or the board with jurisdiction over the particular matter. Completed forms shall be accompanied by whatever further information, plans or specifications may be required by such forms and/or this code.

§ 106-18. Fees.

A. Fees provided for by this code shall be paid upon the submission of petitions, applications and appeals, in such amount or amounts as shall be established by the Board of Trustees from time to time by resolution. Said fees will be posted on the official Schedule of Fees for the Village of Saranac Lake. Actions that require fees include, but are not limited to:

- (1) Permit application;
- (2) Application for site plan review to the Development Board;
- (3) Application for special use permit;
- (4) Application for Planned Unit Development District;
- (5) Appeals for variance (use and area) application to Development Board;
- (6) Petition for interpretation to the Development Board;
- (7) Subdivision application to the Development Board;
- (8) Certificate of compliance;
- (9) Certificate of occupancy;
- (10) Petition for amendment of this code and/or the Zoning Map to the Board of Trustees; and
- (11) Signs.

B. In the review of any application under this code by the Development Board or the Director, the applicant may be required to pay for professional services deemed necessary for the review of such application. As part of the application fee, a deposit in an amount sufficient to reimburse the Village for reasonably estimated costs of such professional services may be required. Said amount shall be based on the specific fee schedule of the particular professional retained as well as the scope of services to be provided. The Village shall hold such deposit in escrow for the sole purpose of paying the costs and fees of the professional(s) retained for review of the application. The professional(s) retained shall provide the Village with detailed invoices showing the services rendered for the time period billed, and the Village shall provide the applicant

with an opportunity to review said invoices prior to payment. Initial or additional deposits may be required as the review process continues. Any deposit amounts that remain at the end of the process shall be returned to the applicant. Any outstanding fees due to the Village must be paid in full prior to the issuance of a permit and/or building permit.

C. Payment of fees.

- (1) All fees shall be paid, at the time of application, to the Department. No application shall be deemed complete unless required fees have been paid.
- (2) No fee shall be allowed to be substituted for any other required fee.

§ 106-19. Enforcement; violations and penalties.

- A. The Director is hereby authorized and empowered to issue an order requiring any person to cease and desist from any violation of this code or of any permit, order or other approval issued hereunder. Notice of the order and the reason or reasons therefor shall be made in writing and served by the Director upon the holder of the permit, order or other approval, either in person or by mailing the same by certified mail, return receipt requested, to the address given in the application, and upon the last known owner of the premises involved as shown on the assessment roll of the Village, and by filing a copy of said notice immediately in the office of the Village Clerk. The cease-and-desist order shall be in effect until the Village confirms that the land development activity is in compliance and the violation has been satisfactorily remedied.
- B. Any permit, order or other approval issued under this code may be suspended or revoked by the issuing authority upon the failure of the holder thereof to comply with any provision of this code or of such permit, order or other approval issued hereunder. Notice of revocation and the reason or reasons therefor shall be made in writing and served by the Director upon the holder of the permit, either in person or by mailing the same by certified mail, return receipt requested, to the address given in the application, and upon the last known owner of the premises as shown on the assessment roll of the Village, and by filing a copy of said notice immediately in the office of the Village Clerk.
- C. If any building or land development activity is installed or conducted in violation of this code, or in violation of any permit, order or other approval issued hereunder, the Director may prevent the occupancy of said building or land by withholding a certificate of occupancy until such violation is satisfactorily remedied.
- D. Any person responsible for a violation may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within 90 days or such other reasonable time after notice that the Director may specify, the Village may take necessary corrective action, the cost of which shall become a lien upon the property involved until paid.
- E. Penalties and other relief for violations.
 - (1) Any neglect, failure or refusal to comply with any provision of this code or any permit, order or other approval issued hereunder shall be deemed a violation

thereof, and any person who shall commit such a violation, in addition to being required to abate the violation and any other penalties prescribed by law, shall, upon conviction thereof by a court of local criminal jurisdiction, be punished by a fine of not more than \$500 for each offense. Each and every day such violation shall continue will constitute a separate offense;

- (2) In addition to the foregoing, the Board of Trustees may, in the case of a violation of this code or any permit, order or other approval issued hereunder, commence an action in a court of competent jurisdiction which seeks:
 - (a) The imposition of a civil penalty of not more than \$500 a day that the violation continues, with the owner and other persons who are responsible for such violation to be jointly and severally liable; and/or
 - (b) Injunctive relief to prevent or abate the violation.
 - (3) Persons found to be in violation of the provisions of this code or any permit, order or other approval issued hereunder pursuant to such civil actions or proceedings shall be liable for damages, including the legal and other costs and fees resulting from or attendant to such actions or proceedings, as well as the costs and fees incurred by the Village and/or its officers, employees, servants and agents.
- F. Prior to any action being commenced pursuant to § 106-19E, the Director shall serve a notice to remedy, by certified mail, upon the person violating the provisions of this code or any permit, order or other approval issued hereunder. The period of said notice to remedy shall be prima facie evidence of noncompliance with the provisions of this code or of any permit order or other approval issued hereunder. Upon noncompliance with the notice to remedy, the Director may commence an action pursuant to § 106-19E, by the issuance of an appearance ticket for a violation brought pursuant to § 106-19E(1) or by appropriate filings for an action commenced pursuant to § 106-19E(2).

§ 106-20. Notices of public hearing.

- A. Notices of public hearings required by this code shall be provided by Village publication in a newspaper of general circulation within the Village at least 10 days prior to the hearing and to the applicant. A copy of the notice shall also be provided by the applicant to all owners within 200 feet of the perimeter of the overall tract of land on which the applicant's project is proposed, as may be determined from the latest real property tax assessment records, and any additional property owners as determined by the Board originating the notice of public hearing. Proof of service of such notice upon such individual property owners, or of the reasonable attempt thereof, shall be provided to the Director before the public hearing is held. The applicant shall also post a conspicuous waterproof notice of public hearing at the site of the proposed project at least 14 days prior to the date of the hearing.
- (1) For site plan review applications, minor subdivisions and other matters subject to its jurisdiction where it has the discretion to determine whether a public hearing should be held, the Development Board shall use the following criteria to determine whether a hearing is in the public interest:

- (a) The size and/or complexity of the project;
 - (b) The degree of public interest in the project;
 - (c) The presence of significant issues relating to the approvability of the project; and
 - (d) The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed.
- (2) The Development Board may decide, in cases in which no public hearing is held, to require the applicant to provide notice to neighbors on such terms as the Development Board may stipulate.
- B. Applicants for subdivision, site plan review, special use permit and/or variance shall notify all owners as identified above via certified mail.

§ 106-21. Referrals to county planning agencies.

- A. For proposed planning and zoning actions within the Essex County portion of the Village, referrals shall be made to the Essex County Planning Board in accordance with the provisions of General Municipal Law § 239.
- B. For proposed planning and zoning applications within the Franklin County portion of the Village, no referral is required because, as of the date of adoption of this code, Franklin County does not have a county planning agency and is not within the jurisdiction of a regional planning council.

§ 106-22. Performance guarantees.

- A. An applicant may be required by the Development Board or the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work and compliance with conditions of approval imposed by the review authority. The provisions of this section apply to performance guarantees for any of the approvals required by this code.
- B. The required security shall be in a form (e.g., cash bond, certificate of deposit, surety bond, etc.) approved by the Director, upon recommendation of the Village Attorney. The amount of security shall be as determined by the Development Board or the Director to be necessary to ensure proper completion of the work and compliance with conditions of approval.
- C. In addition to any improvement security required to guarantee proper completion of work, the Development Board or the Director may require security for maintenance of the work in an amount determined to be sufficient to ensure the proper maintenance and functioning of improvements.
- D. Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Director or until any warranty period

required by the Director has elapsed. Maintenance security shall remain in effect for 12 months after the date of final inspection.

- E. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.
- F. Upon failure to complete the work, failure to comply with all of the terms of any applicable approval, or failure of the completed improvements to function properly, the Village may do the required work, or cause it to be done, and collect from the applicant or surety all the costs incurred by the Village, including the costs of the work and all related administrative and inspection costs.
- G. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the Village.

ARTICLE IV Amendments

§ 106-23. Purpose.

The purpose of this article is to allow for amendment to this code by petition of a property owner, resolution by the Development Board or upon the Board of Trustees' own initiative, whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this article.

§ 106-24. Initiation and application.

The Board of Trustees, from time to time, may amend this code, including the official Zoning Map, pursuant to the provisions of this article, upon its own motion, or petition by one or more property owners (petitioner(s)), or by resolution of the Development Board that requests a specific amendment of this code. A property owner may apply for amendment to this code by filing a written request with the Village Clerk. The application shall include a petition requesting the Board of Trustees to amend a particular provision or provisions of this code and/or the Zoning Map, a description of the requested amendment, identification and description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof, and the applicable filing fee. In the case of a requested amendment that does not apply to an amendment of the Zoning Map or otherwise affecting specific properties, no properties need be identified as affected.

§ 106-25. Referral to Development Board.

Should the Board of Trustees decide to consider with the requested amendment, the Board of Trustees shall refer it to the Development Board for a recommendation. No action shall be taken on the requested amendment referred to the Development Board until its recommendation, in writing, has been received by the Board of Trustees, or 30 days have elapsed after such referral has been made, unless the Development Board and Board of

Trustees agree to an extension beyond the thirty-day requirement for the Development Board's review and recommendation. The Board of Trustees shall consider the Development Board's recommendation.

§ 106-26. Consistency with Local Waterfront Revitalization Plan.

The Board of Trustees, in deliberating on whether to adopt a proposed amendment to this code, including but not limited to a proposed rezoning of a parcel or parcels of property or any modification to the Zoning Map, shall consider the proposed amendment in relation to the goals and objectives of the LWRP and the Comprehensive Plan and shall only adopt the proposed amendment if it is consistent and in accordance with the goals and objectives of the Village Comprehensive Plan and LWRP.

§ 106-27. Public hearing and notice.

No proposed amendment shall become effective until after a public hearing thereon at which members of the public shall have an opportunity to be heard on the proposed amendment. The Board of Trustees shall set, by resolution at a duly called meeting, the time and place for a public hearing on proposed amendments and shall cause public notice to be published, posted and circulated as set forth below. If a proposed amendment is initiated by petition, the petitioner(s) shall be responsible for the costs of publication and circulation of notice.

- A. The notice of hearing shall comply with the requirements as set forth in § 106-20.
- B. Notice to adjacent municipalities. Pursuant to Article 12B, § 239-I, of the General Municipal Law, written notice of any proposed amendment affecting property within 500 feet of an adjacent municipality shall be served in person or by mail upon the Clerk of such municipality at least 10 days prior to the date of public hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon.

§ 106-28. Adoption.

The Board of Trustees may adopt amendments to this code by a majority vote of its membership, except in the case of local protest or, with respect to such amendments affecting the portion of the Village in Essex County, a recommendation of modification or disapproval by the Essex County Planning Board.

- A. Local protest. A majority plus one vote of all Board of Trustees members shall be required for passage of any amendment which is subject to a written protest signed and acknowledged by the owners of land comprising 20% or more of land area in any of the following areas:
 - (1) The land area included in the proposed amendment;
 - (2) The land area immediately adjacent to the area proposed to be changed and extending 100 feet therefrom; or

- (3) The land area directly opposite the area proposed to be changed and extending 100 feet from the road frontage of such oppositeland.
- B. Essex County disapproval. Pursuant to General Municipal Law § 239-m(5), if the Essex County Planning Board recommends modification or disapproval of a proposed amendment, a majority plus one vote of all Board of Trustees members shall be required for passage of the amendment.

§ 106-29. Notification.

The Board of Trustees shall send notice of its decision regarding the proposed amendment and a copy of the actual amendment to the person(s) petitioning for the amendment to the Director, who shall distribute it to the Development Board, Essex County Planning Board, and the Adirondack Park Agency, as appropriate.

§ 106-30. Effect on projects approved prior to amendment.

Where a permit or approval has been lawfully issued for a project and such project would be rendered nonconforming by an amendment of this code, such project shall have the right to be completed pursuant to the provisions in effect when the project permit was issued only if, in the case of a project primarily involving a building, the foundation has been completed prior to the effective date of the amendment and, in the case of a project not primarily involving a building, construction or site preparation has been completed prior to the effective date of the amendment.

§ 106-31. Effective date of amendments.

Unless the amendment provides for a different effective date, each amendment adopted by the Board of Trustees shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

ARTICLE V

Repealer; Severability; Effective Date

§ 106-32. Repeal of prior land use laws.

The Village of Saranac Lake Land Use Code (Local Law No. 1 of 2002); Village of Saranac Lake Local Waterfront Consistency Law (Local Law No. 1 of 2003); Chapter 55, Signs, of the Village of Saranac Lake Code (Local Law No. 1 of 1993); Chapter 29, Flood Damage Prevention, of the Village of Saranac Lake Code (Local Law No. 5-1991); and the Planned Unit Development District Law (Local Law No. 17-2014), together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

§ 106-33. Severability.

If any article, clause, sentence, paragraph, or part of this code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the part, section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 106-34. When effective.

This code shall take effect immediately upon its filing with the Secretary of State.

**Part 2
Zoning**

ARTICLE VI

Zoning Map; Boundary Interpretation; General Zoning Regulations

§ 106-35. Zoning Map.

The locations and boundaries of each of the zoning districts ("zoning district" or "district") of this code are hereby established as shown on the map entitled "Zoning Map of the Village of Saranac Lake" ("Zoning Map" or "map"). The Zoning Map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be a part of this code (See Appendix A.9) and may be amended in the same manner as any other part of this code. Said map shall be kept up-to-date and shall be located in the Village Clerk's office for public review.

§ 106-36. Interpretation of boundaries.

Where uncertainty exists with respect to the boundary of any Zoning District as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as following the center lines or ROW lines of streets, highways, railroads or public utility easements, said boundaries shall be construed to be coincident with such lines.
- B. Where district boundaries are indicated to be approximately parallel to the center lines or ROW lines of streets, highways, railroads or public utility easements, said boundaries shall be construed as being parallel thereto. These boundaries shall also be at such distances as are indicated on the map or as shall be determined by the scale shown on the map.

9. Editor's Note: Appendix A is included as an attachment to this chapter.

- C. Where district boundaries are so indicated as approximately following the Village boundary line, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- D. Where district boundaries are so indicated to be approximately parallel or offset to the Village boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as are indicated on the map.
- E. Where a street, highway, railroad, public utility easement, center line or ROW line is coincident with a land use district boundary line and varies from the actual on-the-ground physical monument or mark, then such on-the-ground physical monument shall determine said land use boundary.
- F. Where a district boundary line divides a lot in single or joint ownership, at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than 30 feet into the more restricted portion. This provision stands provided the lot has frontage on a street in the less restricted district. This does not apply to land use classifications of the Adirondack Park Land Use and Development Plan where divisions between land use classifications constitute a state-designated land use area boundary.
- G. In the event that none of the above rules is applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Development Board.

§ 106-37. Regulation of zoning districts.

- A. Application of regulations. No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.
- B. General zoning regulations.
 - (1) No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building or structure is located.
 - (2) No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this code shall be included as part of a yard or other open space similarly required for another building.
 - (3) No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than that required by this code.
 - (4) In their interpretation or application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

- (5) Any land uses, principal or accessory, not specifically listed as permitted, requiring site plan review, requiring an administrative permit, or requiring a special use permit as in Schedule 1, Allowed Uses, and Schedule 2, Dimensional Standards, shall be deemed to be prohibited.¹⁰
- (6) Pursuant to Part 2, Article VIII, of this code, any land use not listed on Schedule 1, Allowed Uses, and Schedule 2, Dimensional Standards, may be referred to the Development Board for a use variance.¹¹

ARTICLE VII Zoning Districts

§ 106-38. Establishment.

In order to fulfill the purpose of this code, the Village of Saranac Lake establishes certain zoning districts which conform to planning areas as set forth in the Comprehensive Plan, and it is the intent that these districts advance the goals and objectives of the Comprehensive Plan and LWRP as follows:

A. District A.

- (1) Purpose: to preserve the existing land use pattern that is predominantly residential, while allowing for some limited, complementary institutional and commercial uses.
- (2) Location and features: This district is located in the southeastern corner of the Village, directly south of Lake Flower and abutting commercial uses along Lake Flower Avenue. The district is characterized by mixed terrain. The Crossfield Street area is flat and low. The majority of the district located to the west of Lake Flower Avenue and to the east is quite hilly, sloping up to the west of Lake Flower Avenue and dropping in elevation to the north to Duprey Street and south toward Turtle Pond. The land also rises steeply up from Lake Flower Avenue to the east. The entire district is accessed directly by Lake Flower Avenue from the south and north via minor through streets. The district is almost exclusively residential, except for a commercial use on Lake Flower. Existing structures are almost exclusively single family except for the multifamily housing at Will Rogers. The district is defined as a separate planning area for two reasons:
 - (a) First, it is clearly bounded by Lake Flower and the Village edges to the southeast;
 - (b) Second, the area is almost exclusively residential, in comparison to the abutting commercial area along Lake Flower Avenue.

B. District B.

10. Editor's Note: Schedules 1 and 2 are included as attachments to this chapter.

11. Editor's Note: Schedules 1 and 2 are included as attachments to this chapter.

- (1) Purpose: The performance district overlay and the underlying zoning regulations are intended to reflect the importance of this district as one of the community's key commercial areas while at the same time serving as a welcoming and attractive gateway to the Village.
- (2) Location and features: This district is located along the northern and eastern shore of Lake Flower and includes land along either side of Lake Flower and River Street. The surrounding terrain is hilly, rising from Lake Flower Avenue to the north and east. This district serves as the principal access corridor to the Village and has an important role in defining the Village image to visitors. Undeveloped property to the east of Lake Flower Avenue and to the southern edge of the Village is heavily vegetated. The district's lakefront has intermittent and dramatic views of Lake Flower and is a prominent feature visible from other lake points. The district is densely developed, with minimally available vacant property. This district is defined by three factors:
 - (a) First, by its location adjacent to Lake Flower Avenue and River Streets, both major thoroughfares;
 - (b) Second, it is defined by its uses. The district is predominantly commercial, with its residential character diminishing.
 - (c) Third, the district is defined by its evolution into a commercial strip, adjacent to residential neighborhoods.

C. District C.

- (1) Purpose: The regulations for this district are intended to maintain the integrity of the residential neighborhoods in the district while recognizing the presence and needs of the North Country Community College.
- (2) Location and features: This district is located in the southeastern section of the Village, south of River Street, east of Lake Flower Avenue and adjacent to the railroad corridor. The district is characterized by sloping terrain. The elevation rises steadily from Lake Flower to a high point just east then drops dramatically to the railroad corridor and rises slowly to the east and north towards Pine Street. Undeveloped slopes east of Lake Flower Avenue and along the railroad corridor have dense vegetation. The district is bisected by the railroad corridor and is physically defined by River Street and the sloping land north of Pine Street, by mixed commercial uses along Lake Flower Avenue to the west and the eastern boundary of the Village to the east. The district is defined as a separate planning area for three reasons:
 - (a) First, it can be defined by its sloping terrain;
 - (b) Second, by the abundance of partially undeveloped, institutional property, including North Country Community College, the undeveloped land north of Pine Street and the railroad corridor. The issue of planning for these transitional areas becomes significant;

- (c) Third, the noninstitutional parts of the area's almost exclusive residential composition contrasts with the abutting commercial strip along Lake Flower Avenue. This factor is significant because it results in conflict between commercial and residential uses along this edge.

D. District D.

- (1) Purpose: The district encompasses the residential neighborhood locally referred to as "Helen Hill" which is host to a significant concentration of "cure cottages." These residential buildings are identified with the Village's heritage as a healthy community and the role these open-air porches played in the curing of tuberculosis patients. The district also includes Moody Pond and is among the most scenic natural attributes of the Village. The intent of the district is to enforce the integrity of these attributes and preserve their contribution to the heritage and beauty of the community.
- (2) Location and features: This district is located on either side of the railroad corridor located west of Church Street and north of River and Pine Streets. The district and its terrain are distinctive, with Helen Hill rising to the east of Church Street and north of River Street, falling steeply to the railroad corridor and rising again steeply at Pine Street toward the west and north. Areas of dense vegetation exist along the corridor and to the north and west of Pine Street. Moody Pond is located in the northeastern corner of the district. The elevations at Helen Hill and in areas north of Pine Street allow for views of the surrounding area. Both hills are significant natural landmarks, which can be observed from all directions. With the exception of a small commercial area along Pine Street, the district is almost exclusively residential, with a predominance of single-family structures in the Moody Pond area and mixed one- to two-family buildings and scattered multifamily residences on Helen Hill. The district is defined by three factors:
 - (a) First, by its steep terrain, characterized by Helen Hill and rising elevations north of Pine Street in the Moody Pond area;
 - (b) Secondly, it can be defined by the railroad corridor, which bisects it;
 - (c) Third, the district can be defined by its almost exclusively residential character. This area is located on either side of the railroad and Pine Street in the northeast section of the Village.

E. District E.

- (1) Purpose: The purpose of this district is to recognize and promote the downtown area as the principal commercial district of the Village.
- (2) Location and features: The district contains the central business area of the Village. As such it is a confluence of uses and natural features. The area is accessed by Main Street and Church Street from the south and east, Bloomingdale Avenue from the east, and Broadway from the north and west. The terrain rises slowly in elevation north from River Street to a high point at Main, dropping from Main to the river and rising again at Bloomingdale. The area is bisected by the Saranac

River. The river edge itself is accessible and has been improved by the development of the River Walk. The district also abuts the north end of Lake Flower, permitting panoramic views of the lake area. The retail core along Main and Broadway is intermingled with residential uses on upper floors of shops.

F. District F.

- (1) Purpose: The regulations for this district are intended to encourage a vibrant residential neighborhood that exists along and throughout an area locally referred to as "French Hill." A significant concentration of Village residents enjoys this neighborhood and its close proximity to downtown, the high school and a number of Village attributes.
- (2) Location and features: The district is located north of Lapan Memorial Highway west of Broadway and south of Ampersand Avenue, including residences on both sides of the road. This district is characterized by sloping terrain, rising steadily from Lapan Memorial Highway and steeply from the river to Ampersand Avenue in the north and declining again to the west towards Saranac Lake High School. The area is exclusively residential and institutional except for a limited number of commercial uses at its periphery. Residences are predominantly single family with some two- and three-family residences and scattered mobile homes. The Saranac Lake High School occupies a large site west of French Hill, off Olive Street. The district is defined by three factors:
 - (a) First, the area can be defined by its physical location north of Lapan Memorial Highway, south of Ampersand Avenue and west of the Broadway/Main commercial district;
 - (b) Second, the area is defined by its terrain, with development occurring along the flat and slopes of French Hill;
 - (c) Third, the area is predominantly residential, differentiating it from abutting commercial areas to the east and north.

G. District G.

- (1) Purpose: The purpose of this district is to provide for a mix of uses in recognition of the current land use pattern comprised of commercial, industrial and some limited residential uses.
- (2) Location and features: This area is located in the upper northwest section of the Village, with boundaries defined by Upper Broadway to the east and Ampersand Avenue to the south. The district encompasses residential, commercial and industrial uses. Residential uses are located in two areas: on Broadway north of Van Buren, and along upper Broadway. Commercial uses are concentrated along upper Broadway as it extends northward out of the Village. Industrial uses are found along either side of the railroad corridor north to Van Buren.

H. District H.

- (1) Purpose. The purpose of the regulations for this district is to preserve the existing qualities of the current land use pattern, which is predominantly residential. Consideration was given to the steep slopes in the center north section of the district by providing for discretionary review of land disturbances in Subdistrict H2.
- (2) Location and features: The district is located in the north central section of the Village, north of the railroad corridor, east of upper Broadway and south of Mt. Pisgah. This district is almost exclusively residential, with easily determined borders. Northern sections are characterized by steep, heavily vegetated sloping terrain at the base of which residential development begins. To the south and east, the elevation declines again to the Saranac River, which forms the southern boundary. The district is accessed by two major roads, upper Broadway to the north and Park Avenue to the south and east. The consistency of residential uses appears to be contained by upper Broadway in the northwest and the railroad corridor in the south. In both instances, they form transitional points between the residential uses in this district and commercial/industrial uses in the adjacent area. Occasional commercial encroachment along Broadway, Bloomingdale and upper Broadway does not detract from residential uses. The district was defined separately for two reasons:
 - (a) First, the area is physically well defined by both natural and man-made features, including Mt. Pisgah and sloping terrain to the north, the Saranac River to the east, the railroad corridor to the south and upper Broadway to the west;
 - (b) Second, the area is defined almost exclusively by residential uses.

I. District I.

- (1) Purpose: The purpose of the regulations for this district are to encourage recreation/institutional uses and some residential development after proper review and approval.
- (2) Location and features: The district around Mt. Pisgah is located in the northeast section of the Village, north of Park Avenue. The area is somewhat isolated from the rest of the Village by its steep terrain and limited access (from Trudeau Road) or from proposed new development to the west of Mt. Pisgah. The area has dense vegetation with steep sloping edges, which abut the upper and lower Park Avenue residential areas to the south. The area is largely undeveloped, except for the Village ski trails on the north slope, an adjacent ski lodge, and the Village water storage tank and well field east of Mt. Pisgah. This district is defined as a district for two reasons:
 - (a) First, the area may be differentiated by its steep elevation and dense vegetation which necessitates special planning considerations;
 - (b) Second, the area's recreational uses and its sparse development differentiate it from abutting residential areas.

J. District J.

- (1) Purpose: The regulations for this district are intended to provide for the continuation of the current land use pattern that is predominantly split between residential and institutional uses.
- (2) Location and features: The district, bisected by Lake Street and Algonquin Avenue, is located south of Lapan Memorial Highway, north of Dewey Mountain and the Glenwood Estates neighborhood. The district terrain is varied; the elevation increases from Lake Street southward towards Dewey Mountain and the Glenwood Estates, and declines to the north towards Petrova Avenue and Lapan Memorial Highway. The slopes to the south of Lake Street towards Dewey Mountain and Glenwood Estates and to the north between Lake Street and Petrova and west of North Star Industry Center are densely vegetated. The Lake Street neighborhood, south of Petrova, is predominately single-family residential, with scattered two- three- and multifamily structures and commercial uses along lake Street. The district is most clearly defined by three factors:
 - (a) First, by its physical location, particularly isolated by hilly terrain to the south and Lapan Memorial Highway to the north;
 - (b) Second, it is defined by its terrain, with rising elevation from the north to the south;
 - (c) Third, the district can be characterized as predominately residential, with two benign institutional uses along Petrova.

K. District K.

- (1) Purpose: The regulations for this district are intended to preserve its character as a predominantly single-family neighborhood with limited allowance for incidental and subordinate uses. Furthermore, the institutional uses present in Subdistrict K-4 should be contained within the subdistrict as delineated and adequate mitigation measures employed to minimize potential for conflicting land uses.
- (2) Location and features: The district is located along the western shore of Lake Flower, south and west of Riverside Drive and east of Dewey Mountain. It is accessed by Riverside Drive only. The terrain is hilly, rising from Lake Flower to the north and west. Steep areas of undeveloped land lie to the north and west. The district's location on Lake Flower suggests direct public access to the Lake, although this is discouraged by vehicular interference, residential siting, and lack of public facilities. In addition, extensive vistas of the lake and beyond are possible from lakefront and elevated vantage points. At least 50% of the area is vacant, with a significant proportion of developable sites located in the western areas of the planning. The principal constraint to development is steep terrain and lack of access. The district is almost exclusively residential with scattered commercial uses on Riverside Drive, Kiwassa Road and on Lake Flower. Residential structures are predominately single family, with some two- and three-family residences. The district is defined by:

- (a) Its location west and north of Lake Flower and east of Dewey Mountain;
- (b) Second, it can be defined by the exclusive nature of its residential use.
- (c) Third, the district can be defined by its steep terrain and relative abundance of vacant land.

L. District L.

- (1) Purpose: The regulations for this district are intended to preserve its character as one of the Village's premier historic areas. The area encompasses what was originally referred to as the "Adirondack Cottage Sanitarium," with the name later changing to the "Trudeau Sanitarium." The area is host to a concentration of uniquely historic buildings, in a campus-like setting, that were used for the study and treatment of tuberculosis. The district seeks to maintain the historic character of the area that is strongly defined by the architecture of the buildings by promoting their adaptive reuse and promoting environmentally and historically sensitive development on existing vacant lands.
- (2) Location and features: The district is located along the northeasterly section of the Village. The terrain is set against a hillside with stepped flat areas where the buildings are located. The varying terrain limits the suitability of developable areas. Access is via New York State Route 3 or through a gated access from Park Avenue. The district is characterized by the historic buildings on the site that are suitable for a range of land uses from residential to office to ancillary accessory uses. Open grassed areas separate the buildings and the steep sloped sections remain wooded. Notable built features include the chapel, the former administration building, and the former occupational therapy building, among others.

ARTICLE VIII

Use Regulations and Dimensional Standards

§ 106-39. Application of regulations.

Except as hereafter provided:

- A. No building, structure, or lot shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
- B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use.
- C. No yard or lot existing at the time of the passage of this code shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet the minimum requirements set forth herein.

- D. Nothing contained herein shall prohibit the use of a lot of record in legal existence as of the date of enactment of this code even if such lot or lots do not meet the minimum area and bulk requirements. Further, nothing contained herein shall prohibit the use of an undeveloped lot in a subdivision which is in legal existence as of the date of enactment of this code, providing that such use is in conformance with requirements set forth in Part 2, Article VIII, of this code. Preexisting nonconforming uses, structures and lots shall comply with the requirements set forth in Part 2, Article IX, of this code.
- E. No off-street parking or loading space required for one building or use shall be included as satisfying, in whole or in part, the off-street parking or loading space required for another building or use, unless approved as a shared parking plan by the Development Board.
- F. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this code.
- G. Within each district, the regulations set forth by this code shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.
- H. Procedure for determination of land use conformity. The Director shall refer to Schedule 1, Allowed Uses, of this code to determine how a land use is regulated under this code.¹² Upon the request of a property owner or involved party, the Director shall provide a written determination as to the permissible nature of a proposed use and, if permissible, how the land use is regulated.
- (1) Only those land uses specifically identified as permitted principal uses, permitted uses by administrative permit, permitted special use permit uses and permitted site plan review use shall be permissible in their respective zoning districts.
 - (2) All other uses are expressly prohibited unless:
 - (a) Granted a variance by the Development Board pursuant to Part 2, Article XVI; or
 - (b) Listed on Schedule 1 as the result of an amendment to this code as considered and approved by the Board of Trustees.¹³
- I. Manufactured housing/mobile homes. No provision of this code shall prohibit or restrict, in any way, the right of a manufactured/mobile home owner, owning a manufactured/mobile home on the effective date of this code to replace his or her manufactured/mobile home with one of equal or greater value. The replacement manufactured/mobile home shall comply with all local and state requirements. According to federal regulations, all transportable sections of manufactured homes built in the United States after July 1976 must contain a red label. The label is the manufacturer's certification that the home is built in accordance with HUD's construction and safety standards that include body and frame requirements, thermal protection, plumbing,

12. Editor's Note: Schedule 1 is included as an attachment to this chapter.

13. Editor's Note: Schedule 1 is included as an attachment to this chapter.

electrical, fire safety and other aspects of the home. A building permit shall be required to replace a manufactured home.

§ 106-40. Schedule of use regulations.

Land uses are regulated according to location and type using the following method:

- A. Permitted uses. A use shall be permitted in a given zoning district if it is listed in Schedule 1, Allowed Uses, hereof¹⁴ as a permissible use for that district, provided that all other requirements of this code are met.
- B. Administrative permit uses. A use listed in Schedule 1, Allowed Uses,¹⁵ as a use requiring an administrative permit shall be permitted in that district when a permit has been approved by the Director in accordance with the standards in Part 1, Article III, Administration and Enforcement, hereof, provided all other requirements of this code are met.
- C. Site plan review uses. A use listed in Schedule 1, Allowed Uses, hereof¹⁶ as a site plan review use for a given district within this code shall be permitted in that district when approved in accordance with Part 2, Article XI, Site Plan Review, hereof, provided that all other requirements of this code are met.
- D. Special use permit uses. A use listed in Schedule 1, Allowed Uses, the schedule of use regulations,¹⁷ as a special use permit shall be permitted in that district when approved in accordance with Part 2, Article XII, Special Use Permits, hereof, provided all other requirements of this code are met.
- E. All uses listed in Schedule 1, Allowed Uses, shall be permitted as indicated for each zoning district, provided that all other requirements of this code are met.¹⁸

§ 106-41. Dimensional standards.

- A. Dimensional standards for new buildings. All buildings shall be subject to the requirements of this section and the dimensional standards listed in Schedule 2, Dimensional Standards.¹⁹
- B. Dimensional standards for existing buildings. Buildings in existence on the date of adoption of this chapter, whether conforming to the following standards or not conforming to the following standards, shall be allowed to continue provided that:

14. Editor's Note: Schedule 1 is included as an attachment to this chapter.

15. Editor's Note: Schedule 1 is included as an attachment to this chapter.

16. Editor's Note: Schedule 1 is included as an attachment to this chapter.

17. Editor's Note: Schedule 1 is included as an attachment to this chapter.

18. Editor's Note: Schedule 1 is included as an attachment to this chapter.

19. Editor's Note: Schedule 2 is included as an attachment to this chapter.

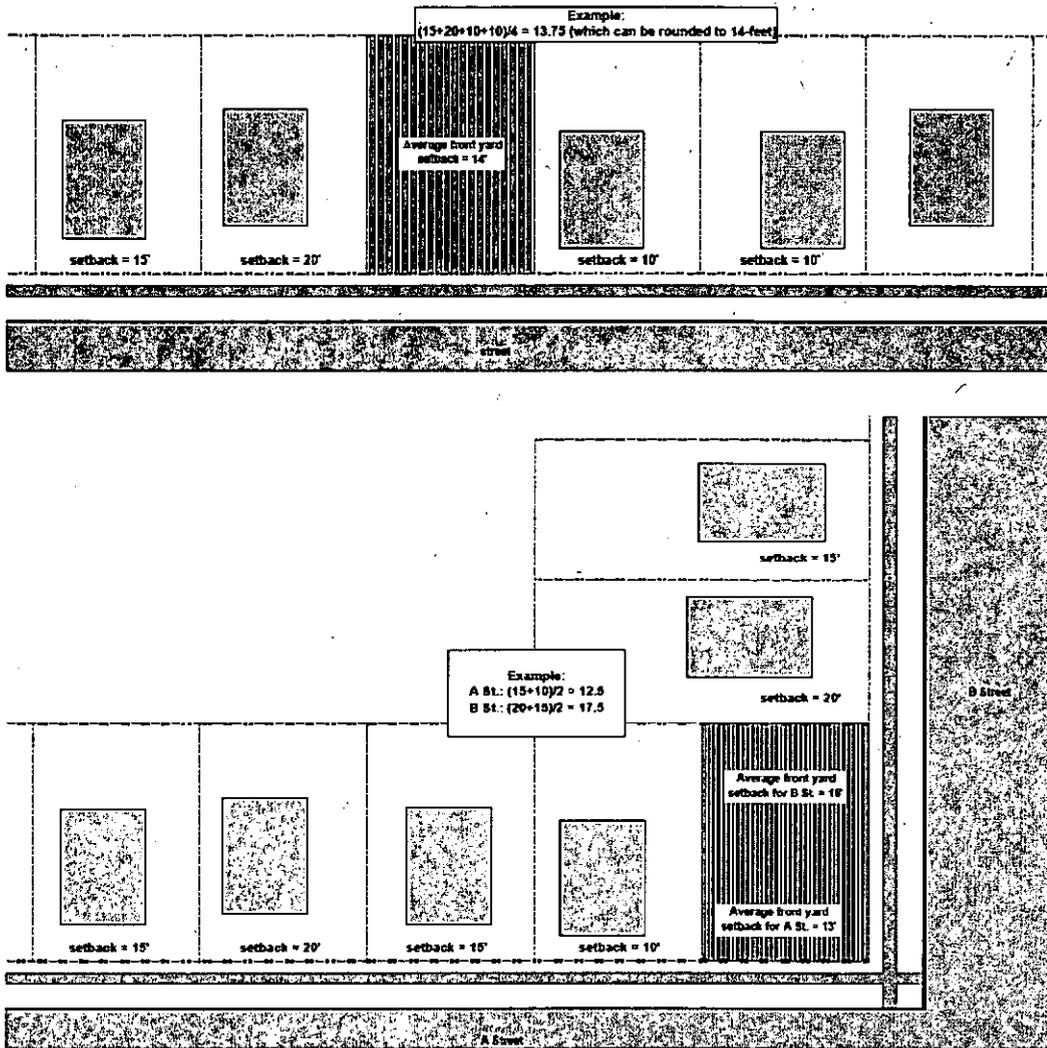
- (1) Future building modifications meet the dimensional standards as listed in Schedule 2, Dimensional Standards;²⁰ and
 - (2) All other requirements of this code are met.
- C. Lot coverage. Where a maximum lot coverage is specified, no building or part of a building or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically authorized by this chapter.
- D. Calculating lot coverage. Lot coverage shall be calculated in the following manner:
- (1) Compute the square footage of all parts of the lot, or portion of the lot where split by a zoning district boundary, covered by all buildings, including accessory structures, decks, patios, paved or unpaved walkways and parking areas, and any other paved surface;
 - (2) Add the square footage calculated in Subsection D(1) above to obtain a figure for total coverage; and
 - (3) Divide the total coverage calculated in Subsection D(2) above by the square footage of the entire upland portion of the lot to derive the percentage of lot coverage. Lot area inundated by water, including streams, ponds, lakes, wetlands, and other bodies of water, shall not be included.
- E. Exceptions to lot coverage. In all districts, the following shall not be counted as lot coverage:
- (1) Lawns, gardens and unpaved landscaped areas;
 - (2) Drainageways;
 - (3) Open play structures without a roof, sandboxes, or swings, not located on a paved surface;
 - (4) Fountains;
 - (5) Swimming pools (Note: aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage);
 - (6) Fences;
 - (7) Retaining walls less than 24 inches in width across the top surface.
 - (8) Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards.
- F. Setbacks. Setbacks between buildings and property lines, where required, are intended to provide access to light and air, provide fire separation and access, and maintain the

20. Editor's Note: Schedule 2 is included as an attachment to this chapter.

existing neighborhood pattern of buildings and open spaces between them and to the street.

G. Setbacks required. Unless otherwise authorized or specified in this chapter, a setback shall be provided between any proposed structures and/or site features and the front, side and rear yard property lines as follows:

- (1) Front yard. In order to maintain the existing pattern of development along a given street, both a minimum and maximum front yard setback shall be as required under the provisions of Schedule 2, Dimensional Standards.²¹
- (2) Lots having frontage on more than one public street shall maintain a front yard setback on each public street except access alleys.



21. Editor's Note: Schedule 2 is included as an attachment to this chapter.

- (3) Side yard. The minimum side yard setback for any principal structure shall be as required under the provisions of Schedule 2, Dimensional Standards.²²
 - (4) Rear yard. Minimum rear yard setback for any principal structure shall be as required under the provisions of Schedule 2, Dimensional Standards.²³
- H. Exceptions to yard setback requirements. The following projections into required yard setbacks may be permitted subject to administrative review by the Director:
- (1) Abutting building with doors or windows. Where the facade of an existing adjacent principal building is within five feet of the common property line and has either doors or windows, a setback of 10 feet shall be required for any new development up to the height of the abutting building in any district where no setback is required.
 - (2) Building and site features. Eaves, sills, roof overhangs, cornices, steps to first-floor entries, walkways, ramps for the disabled and for which the sole purpose is to provide access for the disabled and which have no more than the minimum dimensions required to meet accessibility standards, fences, walls, and similar building and site features may project into a required yard setback.
 - (3) Historic structure features. Features of a historic structure, such as porches, additions, entries, bays and porticos, that have been removed may be replaced and may project into required yard setbacks subject to the following:
 - (a) The structure is listed or eligible for listing on the State or National Register of Historic Places;
 - (b) The building feature being replaced was a character-defining feature of the primary structure, can be documented to have previously existed, and is being replaced within the original footprint; and
 - (c) The structure feature replacement is completed in accordance with the standards for historic buildings contained in § 106-85 of this Part 2.
 - (4) Setbacks for accessory structures. Schedule 2, Dimensional Standards, minimum setbacks for any accessory structure shall be as required under the provisions of Schedule 2, Dimensional Standards.²⁴
 - (5) Shared driveways. Common or shared driveways and walkways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property line.

22. Editor's Note: Schedule 2 is included as an attachment to this chapter.

23. Editor's Note: Schedule 2 is included as an attachment to this chapter.

24. Editor's Note: Schedule 2 is included as an attachment to this chapter.

§ 106-42. Building permit required.

Before the construction, relocation, or alteration of any structure is conducted, a building permit shall be obtained from the Code Enforcement Officer of the Village. No site preparation for any building shall begin unless and until a building permit has been issued.

§ 106-43. Principal buildings per lot.

Unless otherwise specified, there shall be only one principal building per lot except as specified in the following instances. More than one principal use and/or building per lot is permitted if:

- A. The minimum required lot area, lot width and all yard requirements are met for each land use and or building; or
- B. The land uses and or buildings are located within a district where mixed uses or multiple-use buildings are permissible.

§ 106-44. Applicability of other regulations.

The ability to undertake a land use activity pursuant to this code does not repeal or eliminate the jurisdiction of other local, regional, state, or federal agencies. Those undertaking land use activities are advised that approvals and/or permits may be required from said agencies.

§ 106-45. Cluster development.

- A. Authority. In accordance with § 7-738 of the Village Law of the State of New York, the Village Development Board is empowered to modify applicable provisions of the Village's zoning requirements through approval of a cluster development for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities, and to preserve the natural and scenic qualities of open lands.
- B. Applicability.
 - (1) The provisions of this section shall apply to all zoning districts where residential land uses are listed as allowed uses in Schedule 1, Allowed Uses.²⁵
 - (2) The provisions of this section shall apply to major subdivisions.
- C. Procedure and standards. A subdivider shall request a cluster development in a major subdivision beginning with a Step 1; Concept review, application as provided in Part 3, § 106-122F.

²⁵ Editor's Note: Schedule 1 is included as an attachment to this chapter.

§ 106-46. Incentive zoning.

- A. Authority. In accordance with § 7-703 of the Village Law of the State of New York, the Development Board is empowered to provide for a system of zoning incentives or bonuses in exchange for specific social, economic, or cultural benefits or amenities as the Development Board deems necessary and appropriate and which are consistent with the intent and purpose set forth below.
- B. Applicability.
- (1) The provisions of this section shall apply to all zoning districts where residential land uses are listed as allowed uses in Schedule 1, Allowed Uses.²⁶
 - (2) The provisions of this section shall apply to major subdivisions.
- C. Objective. It is the intent of this section to empower the Development Board to grant incentives or bonuses to advance the core objective of expanding connections to the Village of Saranac Lake municipal water and sewer system.
- D. In addition to this core objective, it is also the intent to fulfill the vision and policies articulated in the Comprehensive Plan and the goals and objectives of the LWRP. Therefore, in addition to the core objective, the following additional objectives may be considered:
- (1) The preservation and enhancement of natural and cultural features;
 - (2) The accommodation of permissible clustering (See Part 2, § 106-45.) which would further the land use goals of the Village;
 - (3) The preservation of usable open space and public access to recreation lands and trails;
 - (4) The preservation of access to lakes, rivers, streams and ponds; scenic view sheds; forests; geologic features; environmentally sensitive areas; significant plant and animal habitats; and important ecological resources;
 - (5) The promotion of the general health, safety and welfare of the residents of the Village.
- E. Benefits and amenities.
- (1) The applicant/developer must provide a connection to the Village water and sewer system.
 - (2) One or any combination of the following benefits or amenities may be in addition to the mandated requirement stated in § 106-46E(1):
 - (a) Preservation of open space;
 - (b) Establishment of parks;

²⁶ Editor's Note: Schedule 1 is included as an attachment to this chapter.

- (c) Installation of utilities and appurtenances to mitigate potential adverse impacts of the proposed development to the natural environment;
 - (d) Preservation of cultural or historic facilities;
 - (e) Trails, pathways and sidewalks, especially those that provide connections to existing trails and bicycle and pedestrian networks, and other facilities or benefits to the residents of the community which are consistent with the purpose and intent of this section, as determined by the Development Board.
- F. Incentives or bonuses. The following incentives may be granted by the Development Board to an application on a specific site:
- (1) Increase in residential density of the proposed development by up to 10%; and
 - (2) Increases in lot coverage of the proposed development by up to 10%.

ARTICLE IX

Nonconforming Uses, Buildings, Structures and Lots

§ 106-47. Applicability.

The following provisions shall apply to all uses, buildings, structures and lots lawfully existing on the effective date of this code and also to all uses, buildings, structures and lots that may become nonconforming by reason of any subsequent amendment to this code and the Zoning Map.

§ 106-48. Continuation; abandonment; restoration; unsafe structures.

- A. Nonconforming uses. A lawful use which is rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code or to the Zoning Map may be continued, provided that it is not abandoned. (See § 106-48G, below.) If a nonconforming use is abandoned, it may not be resumed. The increase or expansion of a nonconforming use is prohibited.
- B. Nonconforming buildings or structures. A lawful building or structure which is rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code or to the Zoning Map may continue to exist, subject to the other provisions of this article.
- C. Unsafe buildings or structures. Any lawful building or structure or portion of that building or structure rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code or to the Zoning Map, and which is declared unsafe by a proper authority, may be restored or otherwise made to be in a safe condition, provided:
 - (1) That it is otherwise lawful to put such building or structure into a safe condition;
 - (2) The building or structure will not become any more nonconforming as a result of the measures taken to make it safe; and

- (3) The building or structure is made safe within 12 months of being declared unsafe.
- D. Restoration. Any lawful building or structure or portion of such building or structure rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code or to the Zoning Map, which is damaged or destroyed by fire, flood, high winds or other accident or natural causes, may be repaired or rebuilt on the same building footprint and to the same dimensions, including height, provided such repair or rebuilding is completed within 12 months of the date of damage or destruction. However, a building or structure which is not conforming as to front setback and which is destroyed shall be rebuilt to meet the front yard setback for the district in which it is located, if the dimensions of the lot would permit doing so without causing any new or greater setback violation elsewhere on the lot. The total square footage of such rebuilt structure shall not exceed the total square footage of the structure that was damaged or destroyed.
- E. Expansion; enlargement.
- (1) No building or structure rendered nonconforming by the enactment of this code or by reason of any subsequent amendment to this code or to the map may be expanded or enlarged.
- (2) No building, structure or facility used or occupied for a nonconforming use may be expanded or enlarged for the same use or be used, occupied, expanded or enlarged for any other nonconforming use.
- F. Structural alterations. Except as provided for in § 106-48D and E above, a nonconforming building or structure which is used for or occupied by a nonconforming use shall not be structurally altered to an extent exceeding, in total, the replacement value of the building or structure, unless the use of the building is changed to a conforming use.
- G. Abandonment. From enactment of this code, an inactive nonconforming land use has 12 months to resume. After enactment of this code, any consecutive twelve-month period without reactivation will result in the nonconforming land use being permanently classified as nonpermissible.

ARTICLE X

Planned Unit Development Districts

§ 106-49. Intent; objectives; applicability.

- A. Intent. As described in § 7-703-a of the Village Law, the Planned Unit Development District (PUDD) procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched to the unique characteristics of the site. Furthermore, in a PUDD, innovative development techniques may be accommodated that might not otherwise be possible through strict application of standard land use and subdivision requirements. The PUDD serves as a floating zoning district applicable to any area within the Village. The conventional use, dimensional and density standards set forth in Schedules 1 and 2 of this code are replaced by standards in

an approved PUDD, which then become the standards established by the Board of Trustees for detailed design, review and control and subsequent development.

- B. Objective. In order to carry out the intent of this chapter, a PUDD shall achieve a development pattern in harmony with the Village's established community planning goals and this code.
- C. Applicability. This chapter shall provide the procedure and standards for review and approval of any PUDD application previously submitted to the Village Board as well as any PUDD application submitted to the Village Board after the effective date of this chapter.

§ 106-50. General application standards.

- A. An applicant for a PUDD may seek preapplication, nonbinding guidance with respect to a proposed PUDD at a conceptual level pursuant to § 106-52 of this chapter.
- B. An application for a proposed PUDD shall be made to the Board of Trustees, pursuant to § 106-53, on application forms provided or as otherwise specified by the Director.
- C. The decision on an application for a proposed PUDD is made by the Board of Trustees pursuant to § 106-53I, based on guidance and recommendations from the Development Board pursuant to § 106-53H and the standards for PUDD approval set forth in § 106-51.

§ 106-51. Standards for PUDD approval.

The legislative determination by the Board of Trustees to establish a PUDD shall be based upon the following standards:

- A. Location. A PUDD may be established at any location within the Village.
- B. PUDD size. The proposed site for a PUDD shall include a minimum of three contiguous acres of land within the Village, provided that the proposed site for a PUDD for any PUDD application submitted to the Village prior to the effective date of this chapter shall include a minimum of three acres.
- C. Property control. The proposed site for a PUDD must be owned, leased or otherwise legally controlled by the applicant or applicants for the PUDD.
- D. Stormwater control. The amount of area covered by building or impervious area shall comply with the standards of the district in place on the date that the PUDD application is received by the Director.
- E. Building design. The building design shall take into consideration factors including, but not limited to:
 - (1) The layout and design of buildings to provide for convenient access to and from adjacent uses and neighborhoods;

- (2) Individual buildings shall generally be related to each other in design, masses, elevations, materials, elevation, placement and connections, to provide a visually and physically integrated development;
 - (3) The design of buildings and the parking facilities to take advantage of the topography of the site, where appropriate, to provide separate levels of access;
 - (4) The orientation of buildings, where possible, to ensure adequate solar orientation for maximization of passive and active solar energy options, light and air exposure to the rooms within and to adjacent properties;
 - (5) The arrangement of buildings so as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings; and
 - (6) All buildings shall be arranged so as to be accessible to emergency vehicles.
- F. Open space. There shall be open space provided in the PUDD that is appropriate for the location and unique characteristics of the proposed site.
- (1) The location, shape, size and character of the open space must be suitable and appropriate to the scale and character of the PUDD, considering its size, density, expected population, topography, and the number and types of buildings and uses to be provided;
 - (2) Open space shall be reserved for one or more of the following uses:
 - (a) Recreation structures;
 - (b) Active recreation;
 - (c) Passive recreation;
 - (d) Areas providing wildlife habitat;
 - (e) Linkages in the community open space system.
 - (3) Open space shall be suitable for its intended use.
 - (4) Open space shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking areas, garages, carports, docks and other features.
 - (5) The ownership of such open space may be either public or private but shall be secured in perpetuity by appropriate legal mechanisms that also ensure its maintenance.
- G. Circulation system design:
- (1) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and off-street parking and loading spaces;

- (2) Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped; and
 - (3) The design shall consider and to the extent practicable incorporate pedestrian, bicycle and trail improvements as described in the Village 2012 Bicycle, Pedetrian and Trail Master Plan. The application for PUDD shall include an analysis of pertinent sections of the referenced Master Plan and how the proposed PUDD design incorporates any applicable site-specific bicycle, pedestrian or trail improvements and overall accommodations as specified in the Master Plan.
- H. Impacts. The PUDD will improve the appearance and function of the proposed site while satisfactorily mitigating adverse impacts associated with the PUDD.
- I. Community benefits. The PUDD has the potential to provide substantial economic, social, environmental, open space and other benefits to the Village.
- J. Community goals. The PUDD will advance established community planning goals.
- K. Community interest. The PUDD is in the overall best interests of the Village, including the neighborhoods immediately surrounding the PUDD.

§ 106-52. PUDD Preapplication process.

- A. An applicant for a proposed PUDD may request preliminary consultations and an informal assessment of the proposed PUDD by the Director. General information about the proposed site and a description of the proposed PUDD should be provided to the Director.
- B. An applicant for a proposed PUDD may request preapplication conceptual review by the Board of Trustees. A request for preapplication conceptual review shall be submitted in writing to the Director and should include:
- (1) A narrative description of the proposed site in its current state. Such a description shall include but not be limited to:
 - (a) A general description of the location of the site within the Village;
 - (b) A general description of the neighborhood context in which the site is located;
 - (c) A description of the land uses and land use density present on the site and on those parcels immediately adjoining the site;
 - (d) A description of the current zoning on site and on those parcels immediately adjoining the site;
 - (e) A description of natural environs, including their condition, on the site and on those parcels immediately adjoining the site. Photographs are encouraged; and

- (f) A description of the man-made features [buildings, structures, infrastructure (roads, water, sewer, telecommunications, etc.)] on the site, including a description of their condition. Photographs are encouraged.
 - (2) An existing conditions plan at a scale of one inch equals 50 feet illustrating the existing conditions, including the location of buildings, structures, infrastructure, natural features and overall characteristics of the proposed site. The plan should extend 500 feet beyond the boundary of the proposed site. A current aerial photograph with land uses and natural features identified is acceptable;
 - (3) A concept plan at a scale of one inch equals 50 feet illustrating how development could be accommodated on the proposed site if the standards of the current zoning district were complied with;
 - (4) A concept plan at a scale of one inch equals 50 feet illustrating the design and layout of the proposed PUDD; and
 - (5) A brief narrative or tabular accounting of how the plans specified in Subsection B(2), (3) and (4) compare in terms of impacts to the proposed site and the adjoining neighborhoods. Impacts that may be compared include but are not limited to:
 - (a) Traffic;
 - (b) Types of land use;
 - (c) Density of building coverage;
 - (d) Stormwater runoff volume and rate, pre- and post-development;
 - (e) Vegetative cover, retained and planted;
 - (f) Amount of pervious and impervious surface area, pre- and post-development;
 - (g) Building architecture, pre- and post-development;
 - (h) Preservation of natural features on the site, pre- and post-development;
 - (i) Creation/enhancement of pedestrian, bicycle and trail infrastructure. Recommendations of the Village 2012 Bicycle, Pedetrian and Trail Master Plan shall be considered and specifically accounted for;
 - (j) Expansion of recreational opportunities; and
 - (k) Protection of open space.
- C. Once the Director determines that sufficient information has been provided by the applicant, he shall refer the request for preapplication conceptual review to the Board of Trustees.
- D. Upon receipt of a request for preapplication conceptual review for a PUDD, the Board of Trustees may:

- (1) Decline to consider the request; or
 - (2) Accept the request and schedule a joint work session with the Development Board to discuss the request and to formulate recommendations to the applicant.
- E. After the joint work session with the Development Board and any opportunity for public comment it determines to be appropriate, the Board of Trustees shall provide written recommendations to the applicant on its request for preapplication conceptual review, taking into account the standards for PUDD approval in § 106-51, the Development Board's input and any public comment received.
- F. The amount and value of guidance which can be expected in the preapplication process is dependent on the quality of the information provided. In this respect, such information (including access to the site of the proposed PUDD) will be critical to that guidance and, thus, should be provided as soon as reasonably practical by the applicant.
- G. Plans and information provided by the applicant shall not be binding upon the applicant; nor shall guidance or recommendations by the Development Board or Director, or comments by the Board of Trustees, be binding upon the Director, Development Board, or Board of Trustees with respect to any subsequent application for a proposed PUDD.

§ 106-53. PUDD application process.

- A. An application for establishment of a PUDD shall be made in writing to the Board of Trustees and shall be accompanied by the applicable fee. The application shall also be accompanied by a full environmental assessment form or draft environmental impact statement as required by SEQRA, or other documentation establishing that the proposed PUDD is a Type II action pursuant to 6 NYCRR Part 617. The Board of Trustees shall refer the application to the Director, who shall provide it to the Development Board after determining that it is a complete application for purposes of review. A complete application shall include, as the Director determines applicable, the information specified in § 106-53B through F. Additional information may also be required by the Director for a complete application.
- B. The application shall also include an assessment of consistency with the LWRP as set forth in Part 2, Article XV, of this code.
- C. General requirements:
- (1) A general description of the location of the site within the Village;
 - (2) A general description of the neighborhood context in which the site is located;
 - (3) A description of the land uses and land use density present on the site and on those parcels immediately adjoining the site;
 - (4) A description of the current zoning on site and on those parcels immediately adjoining the site;
 - (5) A description of natural environs, including their condition, on the site and on those parcels immediately adjoining the site. Photographs are encouraged;

- (6) A description of the man-made features [buildings, structures and infrastructure (roads, water, sewer, telecommunications, etc.)] on the site, including a description of their condition. Photographs are encouraged;
- (7) The desirability of the proposed land use in the proposed location;
- (8) The existing character of the neighborhood;
- (9) Existing state, county, or Village highways that provide access to the site;
- (10) Compatibility with established community planning goals;
- (11) Phasing program if phases are proposed or if the proposed land uses will require more than 24 months to be completed;
- (12) Permitted uses, condition and accessory uses;
- (13) Maximum development intensity of proposed uses;
- (14) A proposed amendment to this code, including, at a minimum, a metes and bounds description of the property included in the PUDD application and the standards for development; and
- (15) A brief narrative or tabular accounting of how the proposed PUDD compares in terms of impacts to the proposed site and the adjoining neighborhoods. Impacts that may be compared include but are not limited to:
 - (a) Traffic;
 - (b) Types of land use;
 - (c) Density of building coverage;
 - (d) Stormwater runoff volume and rate, pre- and post-development;
 - (e) Vegetative cover, retained and planted;
 - (f) Amount of pervious and impervious surface area, pre- and post-development;
 - (g) Building architecture, pre- and post-development;
 - (h) Preservation of natural features on the site, pre- and post-development;
 - (i) Creation/enhancement of pedestrian and bicycle infrastructure;
 - (j) Expansion of recreational opportunities; and
 - (k) Protection of open space.

D. Site plan/circulation:

- (1) Access, circulation, parking, and transportation management;
- (2) Proposed location, type and size of signs and driveways;

- (3) Vehicular traffic circulation features, including proposed highways and roadways within the PUDD;
- (4) Accommodation of multi-modal transportation (bikes, pedestrians, trails) to, from, and through the district. The application shall include a description of an analysis of the Village 2012 Bicycle, Pedetrian and Trail Master Plan and how the PUDD design specifically provides for overall or site specific improvements as called for in the referenced Master Plan;
- (5) The number, size and location of automobile parking areas and loading areas and the proposed access to such areas.

E. Site plan/structures:

- (1) The general location of principal and accessory buildings in relation to one another and to other structures in the vicinity;
- (2) The conceptual footprint, height and bulk of buildings and the intended use for such buildings;
- (3) Floor area ratio for nonresidential uses;
- (4) Lot coverage;
- (5) Build-to distances from public and private ways;
- (6) Setbacks for structures and parking areas;
- (7) Minimum lot size;
- (8) Minimum lot frontages and building massing;
- (9) Preservation of historic structures;
- (10) Design standards and guidelines; and
- (11) Other site plan improvements.

F. Site plan/landscaping:

- (1) General landscaping concept and features;
- (2) The level of preservation of open space and natural areas; also, the amount and location of open space recreation area and pedestrian circulation areas and provisions for permanent protection; and
- (3) Design standards and guidelines.

G. Site plan/engineering and environmental:

- (1) Infrastructure improvement preliminary plans, including water supply source and delivery, drainage, and energy;
- (2) The general plan for the collection and disposal of sanitary wastes for the PUDD;

- (3) The proposed safeguards to be provided to minimize possible detrimental effects of the proposed use on adjacent properties, the surrounding neighborhood, and the environment in general (i.e., stormwater); and
- (4) All material and data necessary to conduct review under SEQR and the LWRP consistency review as provided in Article XV of this code.

H. Development Board action.

- (1) After the application is determined by the Director to be complete for purposes of review, the Development Board may request from the applicant such additional information and/or recommend such modifications to the application as it deems necessary to determine whether the proposed PUDD will comply with the standards for approval of a PUDD set forth in § 106-51. The Development Board may also seek public comment on the PUDD application.
- (2) Within 60 days of the date that of receipt of an application determined by the Director to be complete for purposes of review, the Development Board shall submit written findings to the Board of Trustees regarding whether the application complies with the standards for approval of a PUDD set forth in § 106-51, and shall recommend approval, approval with modifications and/or conditions, or disapproval of such PUDD application to the Board of Trustees. The findings from the Development Board shall also include specific recommendations as to the elements of the proposed PUDD site plan, if any, that require detailed review and consideration. This time frame may be extended upon mutual written agreement between the Development Board and the applicant.
- (3) A recommendation by the Development Board of approval of the proposed PUDD application shall not constitute nor imply approval of a building project for the area included in the application, nor shall it constitute or imply a permit for said project.

I. Village Board action.

- (1) Upon receipt of the Development Board's written findings and recommendation pursuant to Subsection H(2) of this section, or upon failure of the Development Board to act within the prescribed time period, the Village Board shall conduct a public hearing on the proposed PUDD application.
- (2) The findings and recommendation from the Development Board as required by Subsection H(2) of this section shall be entered into the official record of the public hearing and considered by the Board of Trustees prior to the closing of the hearing.
- (3) After considering the Development Board's findings and recommendations and comments received during the public hearing, the Board of Trustees may approve, approve with modifications and/or conditions, or disapprove a PUDD application.
- (4) Any decision by the Board of Trustees to approve or approve with modifications and/or conditions a PUDD application shall be supported by a written summary of

findings that demonstrate that the proposed PUDD meets the standards for approval of a PUDD set forth in § 106-51.

- (5) A decision by the Board of Trustees to disapprove a PUDD application shall be supported by a written summary of findings that the proposed PUDD fails to meet the standards for approval of a PUDD set forth in § 106-51:
 - (6) Any decision by the Board of Trustees on a PUDD application that is contrary to the recommendation of the Development Board pursuant to Subsection H(2) of this section shall require an affirmative vote of four members of the Board of Trustees. Otherwise, any decision shall require a majority of the Board of Trustees.
- J. SEQR/LWRP. In reviewing the PUDD application, the Board of Trustees shall comply with the requirements of SEQR and the LWRP consistency review as provided for in Article XV of this Part 2.

§ 106-54. Effect on Zoning Map; enforceability; other reviews; modifications.

- A. The Board of Trustees approval of a PUDD shall constitute an amendment of the Zoning Map and shall be made a part thereof.
- B. Any conditions that may have been specified by the Board of Trustees in a PUDD approval decision pursuant to § 106-53I shall be enforceable pursuant to this code.
- C. After approval of a PUDD pursuant to § 109-53I(3), all development shall be subject to subdivision, site plan or special use permit review under this code, as applicable.
- D. Any proposed modification to an approved PUDD shall be considered as a new application pursuant to § 106-53.

§ 106-55. Expiration of approval; reversion to prior zone designation.

- A. The lands comprising a PUDD shall revert to their prior zoning designation if the PUDD is not substantially commenced within such period and according to such criteria as the Board of Trustees may determine in its PUDD approval decision. The Board of Trustees shall determine whether a PUDD has been substantially commenced upon a request submitted within the applicable time period and may grant an extension of the time period for good cause shown.
- B. The lands comprising a PUDD shall revert to their prior zoning designation if any conditions of the PUDD approval decision are not fulfilled. The Board of Trustees shall determine whether or not such conditions have been fulfilled, on its own initiative or upon a request submitted within any applicable time period, and may grant such relief or extension as it determines appropriate.

ARTICLE XI
Site Plan Review

§ 106-56. Intent.

The purpose of this article is to allow the proper integration in the community of uses and actions listed in Schedule 1, Allowed Uses, in districts listed in Part 2, Article VII,²⁷ Because of their characteristics, or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- A. The objectives of this code;
- B. Their effect on surrounding properties;
- C. The ability of the Village to accommodate the growth resulting from the proposed use without undue adverse effect on the Village and its citizens and taxpayers, and the protection of health, safety and welfare of the Village and its citizens; and
- D. The goals and objectives of the Comprehensive Plan, the 2012 Village Bicycle, Pedetrian and Trail Master Plan, and the LWRP.

§ 106-57. Authorization to approve or disapprove site plan uses.

In accordance with Village Law § 7-725-a, the Development Board is hereby authorized to review and approve, approve with conditions or modifications, or disapprove site plans for new development within the Village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this code.

§ 106-58. Applicability.

All land use activities which meet one or more of the criteria below shall, prior to the issuance of a building permit or certificate of use or occupancy, receive site plan approval from the Development Board, pursuant to the procedures and standards of this article:

- A. Any land use activities listed as requiring site plan review in Schedule 1, Allowed Uses;²⁸
- B. Any land use activities requiring site plan review in Schedule 1, Allowed Uses, for which site plan approval was previously obtained from the Development Board more than seven years before a current building permit application;
- C. Any changes in existing land uses requiring site plan review in Schedule 1, Allowed Uses, which are determined to be material changes. (See definition in § 106-6).
- D. All uses granted a variance by the Development Board and required by the Development Board to undergo site plan review pursuant to Part 2, Article XVI; and

²⁷ Editor's Note: Schedule 1 is included as an attachment to this chapter.

²⁸ Editor's Note: Schedule 1 is included as an attachment to this chapter.

- E. Any new land use or development or renovations which will not comply with the design standards of Part 2, Article XIII, and is not otherwise subject to special use permit review pursuant to Part 2, Article XII.

§ 106-59. Site plan review procedure.

- A. Application shall be made to the Development Board using forms supplied by the Director.
- B. Preapplication conference. Prior to formal submission of a detailed site plan, applicants are encouraged to schedule a preapplication conference with the Director. The purpose of the preapplication conference is to provide review of the basic site design concept, provide the applicant with constructive suggestions and, generally, to determine the information to be required for the site plan application. Applicants associated with the review of larger projects with complex site plans are encouraged to participate in a presubmission conference. In order to accomplish the objectives as listed above, applicants are encouraged to provide the following:
- (1) A brief narrative and preliminary concept showing the locations and dimensions of principal and accessory structures, parking areas, and other planned features and any anticipated changes in the existing topography and natural features;
 - (2) A drawing or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features within 200 feet; and
 - (3) A topographic or contour map of adequate scale and detail to show site topography.
- C. If the Director determines that the information submitted for the concept plan is sufficient, he/she may, at his/her discretion, recommend the applicant to proceed with submission of a preliminary or final application.
- D. If additional information is requested by the Director after the presubmission conference, a complete application, inclusive of the information requested during the presubmission conference, shall be provided to the Development Board as part of the preliminary or final application submittal.

§ 106-60. Site plan review application.

- A. After the preapplication conference with the Director, and in accordance with the published submittal schedule, the applicant shall provide three paper copies and one digital copy of a preliminary site plan application. Scale of the site plan is preferred to be one inch equals 50 feet, or at a scale that is suitable for the proposed development relative to its size and is sufficiently legible for the required review to occur. The preliminary application shall be accompanied by a fee as determined by the Board of Trustees and posted in the Village offices.

- B: The application shall be accompanied by the information listed below as determined necessary by the Director. The Director may require any or all of the following items, as he determines appropriate for the nature and scale of the proposed project. The preapplication conference may be used to determine the application requirements. A licensed professional engineer, landscape architect or land surveyor shall prepare the preliminary site plan, unless waived by the Development Board.
- C. Site plan checklist: existing conditions.
- (1) Legal data:
 - (a) Title of drawing, date, North arrow, scale, name and address of applicant, and person responsible for the preparation of such drawing;
 - (b) Boundaries of the property, plotted to scale;
 - (c) Property lines and names of owners of adjoining parcels;
 - (d) Current zoning district classification of property, including exact zoning district boundary if in more than one district;
 - (e) Locations, widths, elevations and names of existing and proposed adjacent streets;
 - (f) Locations, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property; and
 - (g) Status of existing uses as registered or contributing historic properties.
 - (2) Natural features:
 - (a) Topographic features, including a map showing existing slope at two-foot contour intervals;
 - (b) Vegetative cover, including existing wooded areas, significant isolated trees and similar features;
 - (c) Hydrologic features should include drainage and runoff patterns, existing watercourses, wetlands, Federal Emergency Management Agency (FEMA) floodplains, and depth to groundwater; and
 - (d) Geologic features, such as depth to bedrock and the location of rock outcrops.
 - (3) Existing development and infrastructure:
 - (a) Location, use and height of all existing buildings and structures and their use;
 - (b) All existing means of vehicular ingress and egress to and from the site from and onto public streets; and

- (c) Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

D. Site plan checklist: proposed development conditions:

- (1) Grading and drainage plan showing existing and proposed contours with intervals of five feet or less;
- (2) Location, proposed use and height of all proposed buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units, as well as drains and culverts;
- (3) Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas;
- (4) Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site;
- (5) Location and size of water and sewer lines and appurtenant structures. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials;
- (6) Location of fire and other emergency zones, including the location of fire hydrants;
- (7) Location, size, design and construction materials of all proposed signage;
- (8) The proposed location, direction, power and hours of operation of proposed outdoor lighting;
- (9) Designation of the amount of building area proposed for each use;
- (10) Location, size, design of proposed drainage and stormwater control infrastructure;
- (11) Landscaping plan and planting schedule, including areas of natural vegetation to remain, the treatment of buffer areas, and the location and type of trees to be planted;
- (12) Conformance with the Village's 2012 Bicycle, Pedestrian and Trail Master Plan. The site plan application shall specify how the proposed project incorporates pertinent recommendations of the referenced Master Plan;
- (13) Other elements integral to the proposed development, as considered necessary by the Director, including identification of any required county, state or federal permits; and
- (14) Environmental review. Applications for site plan review shall be accompanied by a short-form or a full environmental assessment form (EAF) or a draft environmental impact statement, as required by SEQR.

- E. Following the receipt of an application, the Director shall determine its completeness. The Director shall notify the Adirondack Park Agency ("APA") of such receipt, as required, and furnish to the APA such pertinent information as the APA may deem necessary.

- F. Compliance with SEQR and the LWRP. The Development Board shall comply with the requirements of SEQR and the LWRP consistency review as provided for in Article XV of this code. If the time schedule for compliance with SEQR is different, the schedule should be modified to comply with SEQR for projects that are subject to an environmental impact statement ("EIS").
- G. Public hearing and notice. After an application is determined to be complete by the Director, the Development Board shall fix a reasonable time and place for a public hearing on any such site plan review application if it deems such action would be in the public interest. Notice of the public hearing shall be provided in accordance with Part 1, § 106-20.
- H. Development Board review of site plan application.
- (1) Within 62 days of the receipt of a site plan application determined to be complete by the Director, the Development Board shall approve, disapprove, or approve with modifications the application. Three paper copies and one digital copy of the complete site plan application are required. A licensed professional engineer, architect, landscape architect, or land surveyor shall prepare the site plan and associated supporting materials, unless waived by the Development Board.
 - (2) Upon approval of the site plan application, the Development Board shall certify its approval on three copies of the site plan and shall forward one copy to the Director and provide one copy to the applicant. The Development Board will retain one copy as the site plan of record, and the applicant is responsible for sending the other copy to the Essex County Development Board, as applicable. Upon disapproval of a site plan, the Development Board shall notify the applicant, in writing, of its decision and its reasons for disapproval.

§ 106-61. Filing of decision.

The decision of the Development Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. The decision shall contain such findings of fact and conditions as are required by this code.

§ 106-62. Criteria for site plan review.

In reviewing site plans, the Development Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. In addition, the Development Board shall ensure that the proposed project conforms with the goals and objectives of the Comprehensive Plan and the LWRP. More specifically, the Development Board shall ensure:

- A. A positive relationship, including visual compatibility, to adjacent and nearby land uses, both public and private, with the understanding that in all cases new development should

conform to the requirements of the design standards and supplementary standards, regardless of the type or quality of adjacent buildings and land uses;²⁹

- B. The adequacy and arrangement of access and circulation, including but not limited to road widths, grade, alignment, sight distance, elements of "complete streets," location, surfaces, traffic control, walkways and pedestrian/bicycle trail connectivity, and the extent that these elements meet the goals and objectives of the Village's 2012 Bicycle, Pedestrian and Trail Master Plan;
- C. A suitable location, arrangement, size, design and general site compatibility of buildings, lighting and signs;
- D. The adequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainageways;
- E. The adequacy of water supply and sewage disposal facilities;
- F. The adequacy, type and arrangement of trees, shrubs and other landscaping and the retention of existing trees, wooded areas, watercourses and other natural features to the maximum extent possible;
- G. The protection of adjacent or neighboring properties against noise, glare, dust, air pollution, unsightliness or other objectionable features;
- H. The adequacy of fire lanes and other emergency zones and the provisions of fire hydrants;
- I. The adequacy, arrangement, and appearance of exterior storage and parking and loading areas and their screening at all seasons of the year from the view of adjacent residential lots and streets; and
- J. The project's impact on the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.

§ 106-63. Conditions.

The Development Board, in conjunction with its approval of any site plan review project, may impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. No permit shall be issued by the Director until all conditions are met. The Development Board may require, as a condition, that the applicant submit as-built drawings and/or other written certification, signed and stamped by a New York State licensed engineer, surveyor, landscape architect, or architect of record (or the contractor/owner if no design professional was used), to verify that the project was completed in accordance with the approved site plan. This requirement ensures that the project will be completed according to the terms and conditions of the application and approval, including, without limitation, the requirements and conditions authorized by Article XI of this code.

29. Editor's Note: See Article XIII, Design Standards, and Article XIV, Supplemental Standards.

§ 106-64. Waiver of procedural requirements.

The Development Board, when reasonable, may waive any requirements for the approval, approval with modifications, or disapproval of site plans submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in this code adopted pursuant to § 106-63, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or appropriate to a particular site plan.

**ARTICLE XII
Special Use Permits****§ 106-65. Purpose.**

It is the policy of the Village to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Village.

§ 106-66. Applicability.

All land use activities which meet one or more of the criteria below shall, prior to the issuance of a building permit or certificate of use or occupancy, receive a special use permit from the Development Board, pursuant to the procedures and standards of this article:

- A. Any land use activities listed as requiring a special use permit in Schedule 1, Allowed Uses;³⁰
- B. Any land use activities requiring a special use permit in Schedule 1, Allowed Uses, for which a special use permit was previously obtained from the Development Board more than seven years before a current building permit application;
- C. Any changes in existing land uses requiring a special use permit in Schedule 1, Allowed Uses, which are determined to be material changes. (See definition in § 106-6.); and
- D. Any land use or development set forth in Part 2, Article XIV, Supplemental Standards, which is not otherwise subject to site plan review and which does not conform to the supplemental standards provided by that section.

§ 106-67. Authorization to approve or disapprove special use permits.

In accordance with Village Law § 7-725-b, the Development Board is hereby authorized to review and approve, approve with conditions or modifications, or disapprove special use permits for new land use activities within the Village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this code.

30. Editor's Note: Schedule 1 is included as an attachment to this chapter.

§ 106-68. Information on required plans.

Because the impact of special use permit uses varies greatly, the information required to be submitted for a special use permit will vary depending upon the scale of the proposed use, i.e., whether it is a major or minor project as defined in this code.

§ 106-69. Major projects.

An applicant for a major project special use permit shall submit:

- A. A major project application form;
- B. A preliminary site plan review application, as described in § 106-60;
- C. A narrative report describing how the proposed use will satisfy the criteria set forth in § 106-77, as well as any other applicable requirements relating to the specific use proposed as determined by the Development Board; and
- D. A complete Part 1 of a full EAF.

§ 106-70. Minor projects.

An applicant for a minor project special use permit shall submit:

- A. A minor project application form;
- B. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Development Board to make an informed decision;
- C. A brief narrative describing the proposed use; and
- D. A short EAF (unless the Director determines that the proposed use for which a special use permit is required is a Type I action, in which case a full EAF shall be required).

§ 106-71. Application procedure.

- A. Application for a special use permit shall be made to the Development Board, on forms prescribed by the Development Board;
- B. If an application is for a parcel or parcels on which more than one use requiring a special use permit is proposed, the applicant may submit a single application for all such uses. For purposes of determining whether the application is a major or minor project under these special use permit regulations (and for compliance with SEQR and the LWRP consistency review as provided for Article XV of this code) all proposed uses and/or actions on a single parcel or on contiguous parcels shall be considered together.
- C. Preapplication conference. Before filing a formal application, an informal presubmission conference with the Director is recommended to discuss the nature of the proposed use and to determine the specific information that will need to be submitted.

§ 106-72. Compliance with SEQR and LWRP.

Upon receipt of application materials the Director deems complete, the Development Board shall initiate an environmental assessment of the proposed use/action according to the requirements of SEQR. In addition, the review of an application for a special use permit shall include consideration of the goals and objectives of the Comprehensive Plan and the LWRP consistency review.

§ 106-73. Notice and hearing.

The Development Board shall hold a public hearing on a complete special use permit application within 30 days for a minor project and within 62 days for a major project. Notice of the public hearing shall be provided in accordance with Part 1, § 106-20.

§ 106-74. Action on application.

- A. The Development Board shall grant, deny, or grant subject to conditions the application for a special use permit within 62 days after the hearing for a major project and within 30 days for a minor project. Any decision on a major project shall contain written findings explaining the rationale for the decision in light of the standards contained this code; and
- B. In permitting the development, undertaking, reconstruction, enlargement or material change of a use allowable by special use permit, the Development Board may impose any conditions which it considers necessary to protect the health, safety and welfare of the Village and its present and future citizens and the best interests of the surrounding property, the neighborhood or the Village as a whole. These conditions may include, but are not limited to increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities, and requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the terms and conditions applicable thereto. No permit shall be issued by the Director until all conditions are met. To ensure that the project will be completed in accordance with the terms and conditions of the application and approval and including, without limitation, the requirements and conditions authorized by Article XII of the Code; the Development Board may require, as a condition, that the applicant submit as-built drawings and/or other written certification, signed and stamped by a New York State licensed engineer, surveyor, landscape architect, or architect of record (or the contractor/owner if no design professional was used), verifying that the project was completed in accordance with the approved special use permit.

§ 106-75. Waiver of procedural requirements.

The Development Board, when reasonable, may waive any requirements for the approval, approval with modifications or disapproval of special use permit applications submitted for approval. Any such waiver, which shall be subject to appropriate conditions adopted pursuant

to § 106-74, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.

§ 106-76. Expiration and change of use.

- A. A special use permit shall expire if: the special use permit use or uses cease for more than 12 consecutive months for any reason; the applicant fails to obtain the necessary project permit or fails to comply with the conditions of the special use permit within six months of its issuance; or the time limit of the special use permit expires without renewal.
- B. A special use permit shall apply to the use for which it has been granted, as well as to any subsequent use of the property which complies with all terms and conditions of the special use permit (as determined by the Director in issuing a certificate of compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by special use permit shall require the granting of a new special use permit or a special use permit amendment.

§ 106-77. Criteria for review.

- A. Findings required. In granting or denying special use permits, the Development Board shall take into consideration the scale of the proposed project and the need to maintain the historic, close-knit building pattern in the Village and compatibility among adjoining land uses.
- B. Minor projects. A minor project shall be presumed to be acceptable if it complies with applicable health laws and other specific provisions of this code and if no relevant material information is presented in opposition to it. Before granting a minor project special use permit, the Development Board shall determine that the criteria for major projects listed below are generally satisfied.
- C. Major projects. Before granting or denying a major project special use permit, the Development Board shall make specific written findings as to whether the proposed major project:
 - (1) Will comply with all provisions and requirements of this chapter and other local laws and regulations, and will be in harmony with the purposes of the zoning district in which it is located and with the general intent and purposes of this code;
 - (2) Will not be detrimental to adjacent uses;
 - (3) Will not adversely affect the characteristics of residential neighborhoods in the Village;
 - (4) Multi-modal transportation: the degree to which the goals and objectives of the Village's 2012 Bicycle, Pedestrian and Trail Master Plan are met; furthermore, that the proposed major project will not cause undue traffic congestion, unduly impair

pedestrian safety, or overload existing roads considering their current width, surfacing, and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles;

- (5) Will not overload any public water, drainage, or sewer system or any other municipal facility or degrade any natural resource or ecosystem;
- (6) Will be suitable for the property on which it is proposed; considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads;
- (7) Will not result in excessive noise, dust, odors, solid waste, or glare, create any other nuisances, or result in the introduction of terrestrial or aquatic invasive species;
- (8) Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Village;
- (9) Will be consistent with the goal of concentrating retail uses in villages and hamlets, avoiding strip commercial development, and locating nonresidential uses that are incompatible with residential use on well-buffered properties; and
- (10) Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances.

§ 106-78. Amendments.

The terms and conditions of any special use permit may be amended in the same manner as required for the issuance of a special use permit, following the criteria and procedures in this article. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a special use permit amendment.

§ 106-79. Review of site plans.

The Development Board shall review site plans for all major projects and for those minor projects which, because of their scale, intensity or potentially disruptive nature, require careful layout, design and placement on a site according to the procedures set forth in Article XI of this code. The principal purpose of site plan review is to ensure compliance of a particular special use permit use with the purposes and performance criteria contained in this code.

ARTICLE XIII
Design Standards

§ 106-80. Applicability; certain approvals required.

- A. These design standards shall apply to all land use and development as defined in this code and consistent with the requirements of this chapter, except that only the Downtown District E architectural standards and the Historic District architectural standards of this article shall apply to uses for which only a building permit is required pursuant to Schedule 1, Allowed Uses.³¹
- B. No person shall undertake any land use or development covered by these design standards without first obtaining administrative approval pursuant to Part 1, § 106-10; site plan approval pursuant to Part 2, Article XI; or approval of a special use permit pursuant to Part 2, Article XII. Any such land use or development requiring administrative approval which does not comply with these design standards shall not be undertaken except pursuant to site plan review.

§ 106-81. Access, parking and circulation.

- A. Objective. The design objective for the access, parking and circulation standards is to:
- (1) Emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles, and any current or potential future transit service;
 - (2) Provide the optimal amount of vehicle parking for individual sites, recognizing that both too little parking and too much parking create negative impacts;
 - (3) Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses and urban design goals for surrounding districts;
 - (4) Create the least visible impact of parking on adjacent private and public property;
 - (5) Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground; and
 - (6) Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant vehicle parking.
- B. Site access and circulation.
- (1) Rights-of-way. To the extent practicable, the width of the ROW shall be limited to the current dimension, and additional purchases of property should be avoided.
- C. Street design.
- (1) Travel lane width shall be minimized to calm the flow of traffic through the district and to allow to the maximum extent practicable shared space for other

³¹ Editor's Note: Schedule 1 is included as an attachment to this chapter.

modes of transportation (i.e., bicycles and pedestrians) within the width of the existing public ROW.

- (2) Roadways shall be curbed. Acceptable materials for curbing include concrete and granite. Asphalt curbing is not permitted.
- (3) Bicycle facility design.
 - (a) Intersecting points with regional bikeways and local pathways shall be accommodated.
 - (b) Accessory and ancillary facilities (i.e., bicycle racks, signage, striping, and designation of crossing points) shall be provided at regular intervals.
 - (c) Development proposals shall provide for secure, integrated bicycle parking at the rate of one bicycle rack with the capacity to secure a minimum of one bicycle for every five vehicle parking spaces.
 - (d) Incorporation of improvements and connections with other modes of transportation (pedestrian, vehicular and trails) as called for in the Village's 2012 Bicycle, Pedestrian and Trail Master Plan.
- (4) Pedestrian facility design.
 - (a) Development proposals shall incorporate sidewalks and pedestrian pathways that, to the maximum extent practicable, comply with Americans with Disabilities Act standards.
 - (b) Continuous internal pedestrian walkways or sidewalks, no less than five feet in width, shall be provided from the public sidewalk or ROW to the principal customer entrance of all commercial buildings on the site. Curbed walkways are preferred.
 - (c) Continuous internal pedestrian walkways or sidewalks, no less than five feet in width, shall be provided between the principal customer entrance of all commercial buildings on the site and off-street parking areas.
 - (d) Sidewalks at least five feet in width shall be provided along all sides of the lot that abut a public street in accordance with the Village of Saranac Lake Sidewalk Plan, as amended. Sidewalks shall be constructed in accordance with specifications set forth by the Village of Saranac Lake.
 - (e) At a minimum, walkways or sidewalks shall connect focal points of pedestrian activity such as, but not limited to, transit stops, adjoining properties and buildings, street crossings, building and store entry points.
 - (f) All internal walkways, sidewalks and crosswalks shall be distinguished from vehicular surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, stamped concrete, scored concrete or properly maintained surface treatment to enhance pedestrian safety as well as the attractiveness of the walkway or sidewalk.

- (g) Developments shall provide for exterior pedestrian furniture in appropriate locations at the rate of one seat for every 20,000 square feet of gross floor area.
- (h) Intersecting points with regional trails and local walkways shall be accommodated.
- (i) Accessory and ancillary facilities (i.e., crossing signage, striping, and designation of crossing points) shall be provided at regular intervals.
- (j) Separate and dedicated interconnecting walkways shall be provided between parcels containing commercial uses.
- (k) Waiver of interconnection requirements when necessary for public safety. The Development Board may omit required interconnecting walkways when deemed to be necessary, for reasons of public safety.

D. Parking and loading.

- (1) Off-street parking design.
 - (a) Off-street parking spaces shall be located in the side or rear yard.
 - (b) Off-street parking areas should be set back a minimum of five feet from any property line.
 - (c) All off-street parking spaces and drive aisles must comply with the minimum dimensional standards shown in the Parking Stall and Drive Aisle Dimensions Table below:

Parking Stall and Drive Aisle Dimensions Table						
	Minimum	Minimum	Minimum	Minimum	Minimum	Minimum
Stall Angle	Stall Width (A)	Stall Depth (B)	Skew Width (C)	Drive Aisle Width, 1-Way (D)	Drive Aisle, 2-Way (E)	Vertical Clearance
0° (parallel)	8'	18'	—	11'	22'	7'6"
30°	8'6"	15'	16'6"	11'	—	7'6"
45°	8'6"	17'9"	11'8"	11'10"	—	7'6"
60°	8'6"	19'	9'6"	13'6"	—	7'6"
90° (head-in)	8'6"	18'	—	—	23'	7'6"

Parking Stall and Drive Aisle Dimensions Table						
	Minimum	Minimum	Minimum	Minimum	Minimum	Minimum
Stall Angle	Stall Width (A)	Stall Depth (B)	Skew Width (C)	Drive Aisle Width, 1-Way (D)	Drive Aisle, 2-Way (E)	Vertical Clearance

- (d) Six-inch-tall curbing with a ninety-degree vertical angle shall be used when creating islands for vegetation or lighting.
- (e) Parking areas of more than 50 spaces, or in other cases as deemed appropriate by the Development Board, should be segmented with the use of landscaped islands or medians that are at least 10 feet in width.
- (f) Curb cuts should only be as wide as necessary to accommodate needed lanes. The number of curb cuts and curb radiuses should be kept to a minimum.
- (g) Parking areas should be designed so that cars may exit and enter without backing onto the right-of-way.
- (h) Secondary access points from side roads should be employed when warranted.
- (i) Adjacent parking areas should be connected by pedestrian pathways whenever possible.
- (j) Where transit stops occur in the public right-of-way, pedestrian walkways should provide a direct and clear connection from the building's main entrance to the transit stop.
- (k) Shared parking areas serving two or more uses are encouraged and may be required.
- (l) Parking area design should accommodate adequate provisions for snow removal and storage.
- (m) All parking areas should be designed to properly drain and not create a nuisance on adjacent properties and shall be constructed with a dustless surface, as appropriate. The use of pervious materials to reduce stormwater runoff is encouraged and may be required.

- (2) **Parking area landscaping and screening.**
 - (a) Parking areas shall be landscaped and screened from roadways and adjacent properties by a wall, fence, thick hedge or berm. Such screening should not be less than three or more than eight feet in height. Such planting and fencing shall be designed and installed in a manner consistent with the standards set forth in § 106-82, Landscape standards.
 - (b) Walls, fencing, and architectural details in parking areas should complement the materials used in adjacent architectural styles.
- (3) **Parking area lighting.**
 - (a) Parking area lighting levels and design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions. Energy-efficient lighting sources are recommended and may be required at the discretion of the Development Board. The Development Board shall have the right to impose time limitations on lighting, including the requirement of photocells, timers, and hours of operation, along with maximum illumination levels.
 - (b) A lighting plan demonstrating conformance to applicable IESNA Design Guidelines may be required for review. Such plan should be developed using the Guidelines for Good Exterior Lighting Plans, prepared by the Dark Sky Society.

(<http://www.darkskysociety.org/handouts/LightingPlanGuidelines.pdf>).
 - (c) Parking area light fixtures should be designed with a concealed or recessed light source that shields light downward to confine light spread and shall not exceed a maximum of 24 feet in height. When within 50 feet of residential properties, fixtures shall not exceed 18 feet in height.
 - (d) Poles should be located in medians and buffer areas. Concrete bases for poles should be no higher than six inches above grade.
- (4) **Loading areas.** Off-street loading areas (open or enclosed berths) shall be provided for each commercial or industrial building or use constructed, established or expanded so as to require a building permit and/or site plan review and having a gross floor area in excess of 1,500 square feet, in accord with the following:
 - (a) The Development Board shall determine the required off-street loading area, if any, in each particular situation.
 - (b) Off-street loading shall not interfere with pedestrian or vehicular traffic.
 - (c) All loading areas shall be on the same lot as the use to which they are accessory, except that adjacent establishments may provide joint facilities.
 - (d) Adequate screen planting, fencing or other visual separation shall be provided for in conjunction with any required off-street loading area. Such planting

and fencing shall be designed and installed in a manner consistent with the standards set forth in § 106-82, Landscape standards.

§ 106-82. Landscape standards.

A. The design objective for the landscape standards is to:

- (1) Ensure appropriate landscape design that promotes both aesthetic and functional purposes;
- (2) Ensure that new development and redevelopment projects in the Village respond to the existing natural landscape and preserve woodlands and healthy areas of vegetation; and
- (3) Retain and reinforce scenic quality and aesthetic values important to the Village.

B. General considerations.

- (1) Design techniques should be employed to stabilize slopes, provide low-maintenance alternatives to lawn areas, reduce erosion, include stormwater controls, and reinforce pedestrian circulation routes.
- (2) The overall landscape plan should be designed to be aesthetically pleasing throughout the seasons.
- (3) The use of trees for wind and snow control is encouraged.
- (4) Street trees and planting patterns should be used to provide sufficient shading and an aesthetically pleasing environment for pedestrians, reduce impervious surfaces, mitigate the effects of automobile exhaust and other adverse urban conditions, and provide screening between dissimilar or incompatible uses.

C. Preservation of existing vegetation.

- (1) Existing vegetation shall be preserved to the extent practicable.
- (2) Healthy trees over six inches in diameter at breast height should be protected to the greatest extent possible. All such trees to be saved should be noted on the site plans, and appropriate measures should be outlined to protect the trees from damage during construction. The retention and protection of historic specimen trees or stands of such trees is encouraged and may be required. Tree wells of adequate diameter may be required to protect individual specimens.
- (3) Existing mature woodland areas and existing mature trees shall be retained in sufficient clusters and numbers to allow for the long-term health and maintenance of such vegetation. Retention of single isolated tall trees shall be avoided along with the limbing up of such trees that will result in increased susceptibility to sun scald and wind throw. It is recommended that clusters of existing trees contain a minimum of five trees and that the location of small clusters be considered with regard to the potential for avoiding exposure to high winds or root compaction in the vicinity of such clusters.

- (4) A minimum setback for undisturbed areas around retained clusters of existing trees should be five feet outside of the canopy drip lines of the trees.

D. Species selection.

- (1) The use of species native to the Adirondack region or other naturalized species with proven performance and hardiness is encouraged. (See Native Plant List for the Adirondack Park, published by the Adirondack Park Agency.) Native plants should be hardy and, where adjacent to roads, drives or public walks, resistant to salt and other pollutants.
- (2) No plant material may be installed that is listed by the New York Invasive Species Council as an invasive species, defined by New York State statute to be any species that is non-native to the ecosystem under consideration, whose introduction causes or is likely to cause economic or environmental harm or harm to human health, and whose harm significantly outweighs any benefits.
- (3) Plant material used in landscaping should reflect existing site conditions. Suitable soil depth and planting bed width shall be provided. Soil quality shall be sufficient for the type(s) of plant material used.
- (4) If trees are to be planted under power lines, specific varieties should be selected which do not exceed the height of the lowest line when full grown.
- (5) Wildflowers, low massing of shrubs and other groundcovers are encouraged to serve as an attractive and low-maintenance substitute for a lawn. Natural or naturalized grass species that do not require watering except under unusual drought conditions should be used. Species should be alternated to avoid a monoculture susceptible to disease or damage from pests and harsh climate conditions.
- (6) Plant materials shall be selected and placed to avoid blocking sight lines at intersections and curb cuts.
- (7) A mix of deciduous and evergreen trees and shrubs is encouraged.

E. Landscape design.

- (1) Landscaping is encouraged to break up expanses of paving, to provide shade and to screen parking areas from adjacent public and private rights-of-way and properties. (See § 106-81D(2), Parking area landscaping and screening.) Evergreen trees should be planted to mitigate the effects of wind and control snow drifts.
- (2) The amount and scale of on-site landscaping should effectively correspond with the proposed land use and be reflected in the landscaping plan as required in the submission requirements set forth in Article XI.
- (3) Planting around buildings should be of suitable numbers and sizes to create pedestrian scale, maintain landscape continuity, and enhance visual appearance.
- (4) Landscape buffers between dissimilar or incompatible land uses are encouraged and may be required to screen views or serve as noise buffers.

- (5) New development with internal streets or fronting on public streets should provide street tree plantings with trees having a minimum caliper of 2.5 to 3.0 inches, the locations and numbers of which shall be determined by the Development Board.
- (6) Landscaping should be provided along all building facades facing a parking lot or street.
- (7) Plantings within the public right-of-way are subject to the approval of the affected or involved governmental agency.
- (8) Adequate areas (minimum width of five feet) should be provided for snowplowing and storage at edges of roads, drainages, parking lots and within treebelts, if necessary.
- (9) The minimum width for tree planting along roads should be 10 feet. The planting area should include cobble, mulch or other suitable ground cover.
- (10) Plantings in islands or streetside treebelts should avoid placement atop underground utilities wherever possible or provide provisions such as root barriers to protect both trees and utilities.
- (11) Transformers, dumpsters and other site utilities should incorporate landscape elements to screen them from view. Two options include:
 - (a) Incorporating the screening element into the architectural design of the building or utility buildings on the site (e.g., employing wing walls).
 - (b) Setting the transformer or other such utility within a proposed planting bed. Creating a rectilinear planting around the transformer specifically designed to screen it is discouraged.

F. Installation and maintenance.

- (1) All landscaping shall be installed prior to the issuance of a certificate of occupancy; however, an exception may be granted by the Director to install the landscape at a later date. To obtain a certificate of occupancy without installed landscaping, future landscape installation shall be secured with an acceptable form of surety for 125% of the value of the landscape, prior to the issuance of a certificate of occupancy. An acceptable form of surety may include an irrevocable letter of credit, bond or cash.
- (2) Owners and developers shall be responsible for maintaining the landscaping and associated elements in good condition. The numbers and types of healthy plants and plant replacements as specified in the landscape plan shall be retained.

§ 106-83. Lighting.

A. The design objective for the external lighting requirements is to:

- (1) Protect night skies and surrounding neighborhoods from light pollution and light trespass;

- (2) Emphasize pedestrian environments using fixtures designed to a pedestrian scale;
- (3) Allow for creative use of lighting to highlight pedestrian, building design and landscape amenities;
- (4) Encourage energy conservation; and
- (5) Encourage a safe and productive environment.

B. Lighting design standards.

- (1) Lighting levels and design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest edition(s). Energy-efficient lighting sources are recommended and may be required.
- (2) When required, A lighting plan should developed using the Guidelines for Good Exterior Lighting Plans, prepared by the Dark Sky Society. ([http://www.darksksociety.org/handouts/LightingPlanGuidelines .pdf](http://www.darksksociety.org/handouts/LightingPlanGuidelines.pdf))
- (3) No glare, lights, or reflection shall be permitted which could impair the vision of a driver of any motor vehicle or which is detrimental to public health, safety, and welfare.
- (4) All lighting, except for floodlights, should be glare-free and shielded from the sky either through the use of exterior shields or optics within the fixture. Lighting shall be directed so as not to cause excessive illumination on adjacent roadways or result in direct illumination of neighboring properties per above standards and guidelines referenced in § 106-83B(1) and (2).
- (5) Fixtures installed under canopies, awnings and overhangs shall be fully recessed;
- (6) Floodlights, except where otherwise permitted by this code, must be hooded and angled towards the ground. No light may escape from above the horizontal plane, and the light source shall not be visible.
- (7) Fixtures on buildings shall not be located above the eave line or above the top of the parapet wall.
- (8) High-pressure sodium luminaires shall not be employed unless demonstrated to have appropriate color correction technology.
- (9) Lighting fixtures on private parcels and the public ROW should be of similar style and appearance.
- (10) Lighting schemes highlighting pedestrian, landscape or building design amenities or features may be considered and approved by the Director on a case-by-case basis, provided the proposed design meets the intent of these regulations.
- (11) The Development Board, in cases where it has jurisdiction, shall be empowered to determine whether lights are being used in such a way that their direction or

intensity is harmful to those in the vicinity who are engaged in the lawful use of land.

§ 106-84. Architectural design standards.

A. The design objective for the architectural design standards is to:

- (1) Encourage diverse commercial development within certain defined parameters;
- (2) Encourage high-quality architecture that complements adjacent and nearby structures, improves the appearance of the neighborhood, and does not intrude upon or overwhelm the natural environment;
- (3) Utilize appropriate scale, massing, proportion, fenestration, materials and color to facilitate the construction of appropriate new buildings;
- (4) To preserve and enhance the character and appearance of Downtown and other historic neighborhoods and establish community character and improve the appearance of commercial areas;
- (5) Discourage "strip development" strung out in linear fashion along a highway with limited pedestrian access, usually connected to a highway with a private drive and separated from the highway by a large parking area; and
- (6) Encourage the construction of buildings that promote walkability and reinforce the Village's historical pedestrian-scaled design and layout.

B. General architectural design.

- (1) New construction and/or renovations. New construction and/or renovations shall be compatible with local building traditions. Architecture must be compatible with existing commercial building styles and types. Local representative traditions/styles, which include most of the typical late 19th and early 20th Century styles such as Victorian, Neoclassical, shingle and bungalow styles as well as Adirondack architecture, are allowed.
- (2) Through the conversion of residential buildings to commercial uses, certain residential styles have become representative of commercial buildings. Commercial structures/uses may continue to utilize this type and style. Representative residential to commercial conversions consist of one- or two-story buildings characterized by pitched roofs with wood siding, typically double hung with exterior wood casings. Representative commercial buildings are multistory structures with gabled, hipped, or semi-flat roofs. Exterior materials consist of coursed wood such as clapboards and shingles, brick, stucco, or stone, which does not include preengineered vertical sheets such as T-111.
- (3) Building colors. Building colors shall blend with the natural landscape so that development does not take a visual prominence. Brilliant, luminescent or daylight fluorescent colors are prohibited. The colors found in the natural landscape of the Village of Saranac Lake area, the white of the snow, the browns and greens of the

forests, the gray-green of the mountains and lakes, relate to the historic architecture of the buildings.

- (4) New construction shall be compatible with traditional architecture without copying it directly. Elements which are characteristic of traditional architecture may be incorporated into a contemporary design, or a contemporary design may be an original interpretation of a traditional style.
- (5) Historical or cultural styles that do not have a connection or association with the region or the community are not permitted, as well as architectural gimmicks that attempt to disguise inappropriate architecture by applying gratuitous ornamental features to nonrepresentative building types or styles. Since the faking of historic buildings undermines the value of the original and creates a theme-park atmosphere, new construction shall not attempt to literally replicate historic sites.
- (6) The following architectural styles and motifs are prohibited in commercial applications:
 - (a) A-frame structures.
 - (b) Geodesic domes.
 - (c) Mediterranean motifs.
 - (d) Highly ornate Victorian.
 - (e) New England colonial.
 - (f) Caribbean.
 - (g) Southwestern.
 - (h) Corporate franchise(s).
- (7) Scale. Scale is size relative to surroundings and to other buildings of similar type. Transition should be made from small-scale elements to large-scale elements. Any structure greater than 25,000 square feet shall be broken down into architectural components of not more than 25,000 square feet, thus producing an appearance of clustering which will reduce the perceived scale of the structure and the impact on smaller buildings.
- (8) Facade. Facade lengths shall be varied. The objective of this requirement is to ensure that buildings do not become overpowering. A change in the planes of walls, changing the direction or providing some variety in the roof form gives diversity and visual interest.
- (9) Structures greater than 60 feet but less than 120 feet in length must exhibit a prominent shift in the facade of the structure so that no greater than 75% of the length of the building facade appears unbroken. Each shift shall be in the form of either a ten-foot change in building facade alignment or a ten-foot change in roofline height, or a combined change in facade and roofline totaling 10 feet.

- (10) Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of a structure at each ninety-foot interval, or less. The shift shall be in the form of a fifteen-foot change in building facade alignment or a fifteen-foot change in total change in roofline.
- (11) A combination of both the roofline and facade change is encouraged. To that end, if the combined change occurs at the same location of the building plane a fifteen-foot total change will be considered as full compliance.
- (12) Massing. Massing is the arrangement of forms, elements, or individual components of a building design. Building components may be multistoried and interconnected by intersecting roofs, by porches, or by covered or uncovered walkways. Box-like massing shall not be allowed.
- (13) Roofs. Simple roof types are encouraged on small buildings, and roofs of larger buildings shall be more complex and shall continue a main roof with a lower, intersecting secondary roof type rather than use only a single-type roof.
- (14) Gabled and hip roof pitches are encouraged. Roof overhangs, where feasible, should be 12 inches to 24 inches.
- (15) Visible roofing materials should be asphalt or composite shingle, slate, cedar shake or standing seam metal. Colors shall be neutral to dark. Untreated "galvanized" roofing and highly reflective roofing shall not be allowed.
- (16) Fenestration. Doors and windows should be balanced in their placement on building facades. Though symmetry is not necessary, a general balance between facade elements is harmonious to the eye. Glass areas per floor should be greater at ground floors than at upper level floors.
- (17) The window style should be consistent across the entire exterior of a building. Double hung and casements with permanent muntins are encouraged. Replacement windows should be in keeping with original style.
- (18) Windows should be vertical, in proportion ranging from 1:2 to 3:5 ratio of width to height. Horizontal windows are acceptable when grounded with vertical side windows. Transoms are encouraged both on storefronts and second-story windows. Window frames should appear as substantial building elements. Picture windows combined with triangular, curved, and sloped windows are discouraged, as are too many decorative windows. Windows should be consistent with the architectural style of the building.
- (19) Doors should be at least fifty-percent glazed. Replacement doors should fit the original opening(s).
- (20) Exterior materials. Exterior material shall be horizontally coursed wood such as clapboards and wood shingles, brick, stone, or other natural-looking materials.
- (21) Vertical plywood siding such as T-111 and asphalt shingles are prohibited although board and batten, board and gap and vertical half-log siding may be approved by the Development Board if it is compatible with the overall style of the building

and surrounding buildings. The use of vinyl siding for the rehabilitation of existing buildings is discouraged unless it can match the historic material in size, profile and finish so that there is no change in the character of the building. Vinyl siding for new construction is discouraged unless it can match the size, profile and finish of traditional building materials typically found in the Village.

- (22) Development that incorporates the principles of universal access and design is encouraged but not required.
- C. Downtown District E architectural design standards. Land use and development located in Zoning District E is subject to the following additional architectural standards:
- (1) Massing and proportions. Buildings in Zoning District E shall have facades that have traditional three-part configuration of base, body and cornice. Proportions of individual parts to each other shall be such that the body element of the facade is the greatest and the cornice element is the least. The facade shall have the appearance of being taller than wide. Architecture must be compatible with existing commercial building styles and types. Local representative traditions/style which include most of the late 19th and early 20th Century styles such as Victorian, Neoclassical, shingle and bungalow styles are allowed. This can be accomplished in wider buildings by sectioning or creating components. The facade on single lots must be proportioned so that the height is at least 1.2 the width, up to the current height restrictions from the sidewalk.
 - (2) Gable or flat roofs are preferred above traditional facades. Hipped roofs, hipped gables, gabled hips and gambrels with intersecting rooflines are acceptable as deemed by the Development Board.
 - (3) Storefronts shall also have the traditional three-part configuration of base, body and cornice, with the proportions of the individual parts, such as the body of the storefront, as the greatest and the cornice the least.
 - (4) Fenestration. The ground floor of the storefront shall be at least 55% glass. No less than 12% shall be employed on the upper front facade or body of a building. No more than 35% glass area shall be employed on nonstorefront facades.
 - (5) Main Street: The height of the facades shall be interrupted with architectural features at every two-story interval, at a minimum. These features include porches, railings, windows, horizontal trims, vertical columns, changes in material and textures, etc. Roofs shall be architecturally detailed. Flat roofs need a cornice or parapet. Gable roofs need overhangs and gable trim.
 - (6) When repainting, restaining or replacing existing exterior siding, trim and other major exterior building components, colors shall be chosen from a historic color palette approved by the Director and developed by the National Historic Trust, reputable paint manufacturers, or other qualified professionals. The palette shall be appropriate for the historic architecture and character of the building and the district.

§ 106-85. Historic structure architectural standards.

- A. Land use and development involving a historic structure is subject to the following architectural standards.
- B. The design objective for the historic structure architectural standards is to:
- (1) Recognize that there are established State and/or Federal Historic Register-listed historic districts within the Village;
 - (2) Set forth guidelines for the Village's historic districts that are intended to preserve and enhance the features among existing buildings and structures, taking into consideration economic and technical feasibility;
 - (3) Provide flexibility in design that expands opportunities for development to occur in a manner that improves an individual project and enhances the overall neighborhood in which the project is located. Therefore, guidelines are specified for project designers to follow and the Development Board to consider to insure compatibility with guidelines during site plan review or prior to issuance of a special use permit; and
 - (4) Encourage development of new buildings or restoration of existing buildings that complements rather than overwhelms traditional areas in the Village, while encouraging diversity in the community tax base through appropriate flexibility in land use and land use development.
- C. Consideration of standards.
- (1) No building or structure should be erected, enlarged, altered, or relocated, nor should any existing lot size be changed or new lot created within a historic district, except in accordance with the Schedule of Dimensional Standards.³²
 - (2) No exterior of an existing historic structure should be altered or renovated except in accordance with the following guidelines:
 - (a) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic structure should be preserved to the extent practicable.
 - (b) The surface cleaning of structures, if appropriate, should be undertaken using the gentlest effective methods available.
 - (c) To the extent practical, new building additions or exterior alterations visible to the public should not destroy historic materials that characterize the structure. Consideration should be given so that the new work is differentiated from the old and is compatible with the massing, size, scale and architectural features to protect the historic integrity of the structure.
 - (d) When repainting, restaining or replacing existing exterior siding, trim and other major exterior building components of historic buildings and buildings

32. Editor's Note: See Schedule 2, Dimensional Standards, included as an attachment to this chapter.

in historic districts colors shall be chosen from a historic color palette approved by the Director and developed by the National Historic Trust, reputable paint manufacturers, or other qualified professionals. The palette shall be appropriate for the historic architecture of the building and surrounding Historic District.

- (3) Waiver of standards. These standards should be applied to projects in a reasonable manner, taking into consideration economic and technical feasibility. The Development Board shall have the authority to waive one or more standards if they are not practical or are shown to be overly burdensome to the applicant.
- D. Demolition of historic structures. An owner that wants to demolish a historic structure shall submit a completed demolition permit application to the Village Code Enforcement Officer.
- (1) Unsafe structures. An owner that wants to demolish a historic structure that is structurally unsound or unsafe or that could pose a threat to human health and safety shall submit with its completed demolition permit application documentation, prepared by either a qualified professional (engineer, architect, etc.) or the Village Code Enforcement Officer, demonstrating that the building is unsound or unsafe or poses a threat to human health and safety. Upon receipt of a completed permit application and documentation of unsound or unsafe or a threat to human health and safety structural conditions, the Village shall issue the demolition permit.
 - (2) Other structures. Prior to demolishing an historic structure a demolition permit is required. For a historic structure that is not structurally unsound, unsafe or posing a threat to human health and safety, the property owner shall submit a completed demolition permit application to the Village Code Enforcement Officer. After the application is received by the Village, a ninety-day waiting period will commence during which the structure shall not be demolished. At the start of the ninety-day waiting period the Village will require the owner to have a public notice published in a newspaper having local circulation, stating that the building is being proposed for demolition. At the conclusion of the ninety-day waiting period the Village shall issue the demolition permit.

§ 106-86. Signage design standards.

A. Objectives.

- (1) The design objective for the signage design standards is to:
 - (a) Promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types on public and private property;
 - (b) Protect property values; create a more attractive economic and business climate, enhance and protect the physical appearance of the community,

preserve the scenic and natural beauty, and provide a more enjoyable and pleasing community;

- (c) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, provide more visual open space and curb the deterioration of the community's appearance and attractiveness; and
 - (d) Promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings.
- (2) The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.
- B. Construction standards. The construction of all signs shall be subject to the provisions of the New York State Uniform Fire Prevention and Building Code. In addition to the building permit requirements, signage shall comply with the standards of this section.
- C. Approval required.
- (1) No sign shall be constructed, erected or installed in the Village without administrative approval.
 - (2) Exemptions. Signs of the following types shall be exempt from administrative approval, but such signs must otherwise comply with this section:
 - (a) Real estate signs not exceeding eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located and are temporary in nature;
 - (b) Professional nameplates not exceeding two square feet in area;
 - (c) Signs denoting the architect, engineer or contractor when placed upon work under construction during such period of construction and not exceeding 32 square feet in area;
 - (d) Occupational sign denoting only the name or profession of an occupant in a commercial building, public institution, building or dwelling house and not exceeding two square feet in area;
 - (e) Memorial signs or tablets, names of buildings and date of erection when cut into a masonry surface or when constructed of bronze or other incombustible materials;
 - (f) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or nonadvertising signs;
 - (g) Displays of automotive maintenance merchandise by gasoline stations, located between the principal building and a gasoline pump on the premises;

- (h) Signs integral to gasoline pumps and racks for the display of automotive maintenance merchandise. The display of automotive fuel prices upon signs other than those integral to fuel pumps shall be considered as signs; and
 - (i) Names on a building or building complex which are permanently placed on a building.
- D. Application contents. Applications shall be made on forms provided by the Director and shall include:
- (1) Name, address and telephone number of the applicant;
 - (2) Location of the building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign or advertising structure in relation to nearby buildings or structures;
 - (4) A scaled drawing showing the lettering, images, graphics, etc., composing the sign, its plans, specifications, materials and method of illumination, its size and height above any sidewalk or public thoroughfare and the setback distance from the curbline;
 - (5) Name of the person, firm, corporation or association erecting the structure;
 - (6) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected; and
 - (7) Such other information as the Director shall require to determine compliance with this section.
- E. Signage design standards.
- (1) Unsafe and unlawful signs. If the Director shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, has been maintained or constructed in violation of the provisions of this section or in violation of any provision under this section, the Director shall give written notice, either in person or by certified mail, return receipt requested, to the owner/lessee of such sign, as well as to the owner of the property upon which the sign is located, such persons hereinafter referred to as the "responsible person," advising that such sign should be either removed or altered. If such responsible person fails to remove or alter such sign so as to comply with the standards and requirements of this section within 10 days after receipt of such notice, such sign or other advertising structure shall be removed or altered by the Director or anyone so designated by the Board of Trustees, at the expense of the responsible person. The Director shall refuse to issue a building permit to any responsible person who fails or refuses to pay costs which were incurred by the Village in the removal or alteration of a sign. The Director may cause any sign or other advertising structure which is an immediate peril to persons or property to be immediately removed without notice; and such costs shall be charged to the responsible person or persons.

- (2) Obsolete signs.
 - (a) An obsolete sign must be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 12 months after the sign has become obsolete.
 - (b) Upon identification of an obsolete sign, the Director shall prepare a written notification to the owner of the sign that it is obsolete and removal is required within 15 days after the date of such notification. Upon failure to comply with such notice ordering the removal of such sign, the Director is hereby authorized to cause the removal of such sign, including any supportive structures and other appurtenances, and any expense incident thereto shall be paid by the owner of such building or structure to which such sign is attached.
 - (c) Assessment of costs. Any costs, including legal fees, shall be a lien upon the real property on which such sign or advertising structure was located and may be assessed against said property.
- (3) Prohibited signs. The following signs are prohibited unless permitted by the Director as a temporary use sign:
 - (a) Signs erected on or located on any street or public ROW, curb, curbstome, hydrant, lamp post, trash receptacle, tree, barricade, telephone, telegraph or electrical light pole, or other utility pole, public fence or a fixture of a fire alarm or police system, except public directory and information signs;
 - (b) Signs illuminated with revolving, rotating or oscillating light;
 - (c) Rotating signs, except barber poles advertising an existing barbershop;
 - (d) Internally lighted or neon signs except for "vacancy" or "no vacancy" signs and window signs;
 - (e) Signs placed upon a structure in any manner so as to disfigure or conceal any window, door or fire escape;
 - (f) One-way vision signs; and
 - (g) Private signs on publicly owned property, except for temporary use signs pursuant to a permit issued by the Director.
- (4) Transferal of permits. A sign permit granted under the regulations of this section may be transferred, providing the sign remains unchanged. Alterations to sign components as regulated by this section will require review and an approval of an amendment of the sign permit.
- (5) Safety and maintenance. The regulations relating to the safety and maintenance of signs are as follows:

- (a) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape;
 - (b) No sign or other advertising structure, as regulated by this section, shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, color or illumination, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "look," "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic; and
 - (c) Reflectors and lights shall be permitted on ground signs, projecting signs and wall signs; provided, however, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful for any person to maintain any sign using gooseneck reflectors, spotlights and floodlights which interfere with the safe operation of motor vehicles.
- (6) **Materials in sign composition.** All principal and supplemental use signs shall be constructed of wood or metal or a composite material of similar texture, appearance and durability. The lettering shall be restricted to raised, painted, indented or carved characters or designs on the sign.
- (7) **Number of signs.**
- (a) Two principal use signs, (e.g., wall, ground or projecting) shall be permitted for each business, profession, and trade or service establishment. No more than one of each type (wall, ground or projecting) principal use sign is permitted. Where an establishment fronts on more than one street or publicly owned or municipally leased walkway providing public access, two principal use signs for each such access shall be permitted as long as there is no more than one of each type of principal sign for each access;
 - (b) If there is more than one business, profession, trade or service establishment located on the same property, a sign which identifies the name of such property, building or complex and which is otherwise in compliance with this code shall be permitted and shall not affect the number of principal use signs which are otherwise permissible. A permit must also be obtained for such multiple use sign; and
 - (c) There is no quantity restriction on supplemental public information signs limited to "entrance," "exit," "no parking," "parking" or "parking for customers only" which are of a maximum size of two square feet.
- (8) **Allowed temporary use signs.** Temporary use signs such as banners, pennants, streamers, and feather signs are permitted to be displayed for a period not to exceed 30 days. Such signs may not obstruct pedestrian or vehicular traffic. Temporary signs are subject to the following regulations:

- (a) A temporary use sign may not exceed the maximum size limitation for the type of sign it would be treated were it considered a principal use sign. A temporary use sign is subject to any lighting restrictions contained in this section;
 - (b) A person or entity wishing to erect or maintain a temporary use sign must obtain a temporary sign permit, with the exception of signs used during promotions and events initiated by the Board of Trustees, the Saranac Lake Chamber of Commerce, or Village advisory boards. The Director must be provided with the following information in advance of the granting of administrative approval for a temporary sign:
 - [1] Person's name, address, business and residential phone number;
 - [2] Dimensions of sign and type of sign;
 - [3] Anticipated date of erection or display of sign;
 - [4] Anticipated date of removal; and
 - [5] Proposed location for sign.
 - (c) No person may erect more than one temporary use sign in a calendar year unless such temporary use signs advertise or promote different events, businesses, services, trades, professions or other content.
- (9) Temporary movable signs. Portable folding, a-frame and similar movable signs that advertise the activities, products or services of a business are permitted to be displayed subject to the following regulations:
- (a) A movable sign must be displayed on the same premises as the business it is promoting or in the public ROW directly adjacent to the business.
 - (b) Movable signs may only be displayed during the regular hours of operation for the business. Movable signs must be removed when the business is closed.
 - (c) Businesses are limited to one movable sign.
 - (d) Movable signs shall not exceed eight square feet.
 - (e) Movable signs shall not encroach on the clear path width of any public sidewalk, as defined in § 106-101, or in any way obstruct or limit village operations. Movable signs that encroach on the clear path width or which obstruct or limit village operations may be removed by any authorized public official without notice.
- (10) Roof signs. Roof signs are subject to the following regulations:
- (a) Roof signs shall require a special use permit to be administered by the Development Board;

- (b) Issuance of the permit shall be subject to the review and approval of the Development Board;
 - (c) The historic significance of any roof sign made nonconforming by the adoption of this section shall also be considered by the Development Board; and
 - (d) A roof sign shall not exceed a maximum surface area of two square feet per linear foot of frontage of such business or profession which it advertises and upon which premises it is located. It shall not extend beyond the ends of the roof to which it is attached.
- (11) Ground signs.
- (a) It shall be unlawful to erect any ground sign with a total height greater than 16 feet above the level of the street on which the sign faces or above the adjoining ground level, if such ground level is above the street level;
 - (b) The surface area of such ground sign shall not exceed 50 square feet, except that ground signs identifying a shopping center or complex may have an additional 10 square feet per business for use as a directional sign, with a maximum of a total of 70 square feet for the complex or center;
 - (c) No part of a ground sign shall be located on the public ROW; and
 - (d) When positioned along a state highway, ground signs shall comply with required setbacks.
- (12) Wall signs.
- (a) No wall sign shall cover wholly or partially any wall opening or extend beyond the ends of the wall to which it is attached;
 - (b) A wall sign shall not exceed a maximum surface area of two square feet per linear foot of frontage of such business or profession which it advertises and upon which premises it is located;
 - (c) A wall sign shall not project more than six inches beyond the face of the wall or extend above the second-floor windowsill line; and
 - (d) No wall sign shall be attached to a wall at a height of less than 10 feet above the sidewalk or ground.
- (13) Projecting signs.
- (a) A projecting sign shall not exceed eight square feet in area and shall not extend more than four feet from the building and shall not extend above the windowsill line of the second floor;
 - (b) Every projecting sign shall be placed at least 10 feet above the public sidewalk over which it is erected;

- (c) Every projecting sign erected over public driveways, alleyways and thoroughfares shall be placed not less than 15 feet above the same; and
- (d) Projecting signs shall be set back from the curblines or curbs a minimum of 18 inches.

(14) Window signs.

- (a) Window signs may be internally illuminated; however, blinking, flashing and chasing light sources are not allowed;
- (b) Window signs are only allowed on ground-story windows and doors;
- (c) Window signs may be affixed to or painted on the interior or exterior of the exterior glazed surfaces of the building, provided the signs do not obstruct more than 30% of the total area or more than 30% of a single pane of glazing; and
- (d) The area of a window sign shall be measured by multiplying the height by the width of a rectangle drawn around all of the window sign components (e.g., lettering, diagrams, and images).

(15) Off-premises signs.

- (a) Off-premises signs shall be limited to the name of the establishment, directional arrow and informational symbol;
- (b) Off-premises signs shall not exceed six square feet;
- (c) Each establishment shall be limited to one off-premises sign;
- (d) Off-premises signs shall not be illuminated by a light source connected with or facing upon the sign; and
- (e) Off-premises signs shall not be located on a public ROW.

F. Nonconforming signs.

- (1) Subject to the following provisions, any sign lawfully existing and maintained at the time of adoption of this section, but made nonconforming by the provisions hereof, may be so continued and maintained:
 - (a) For a period of three years from the effective date of this section;
 - (b) Until the copy displayed thereon is no longer representative of the active use of the premises on which it is displayed, but not beyond the three-year period; or
 - (c) Until the application submitted within the three-year period is decided for any required permit or certification to erect, alter or enlarge either the subject nonconforming sign or any building on the premises on which the nonconforming sign is being displayed.

- (2) In the event of a change of ownership of the premises identified by a nonconforming sign, the nonconforming sign may be continued by the new owner for the remainder of the amortized period as set forth above;
 - (3) The nonconforming sign must be removed by the owner whenever any of the conditions as described above exist; and
 - (4) Nonconforming signs which are determined by the Director to be a contributing feature to an historic building, structure or site may continue in their current configuration and location and are exempt from these standards.
- G. Expiration. If the erection, relocation or alteration of the sign has not been completed within six months of the date of issuance of the sign permit, such permit shall be null and void.

§ 106-87. Two-family dwelling standards.

Two-family dwellings are subject to the following standards:

- A. The site shall have safe pedestrian and vehicular access and circulation;
- B. There shall be a suitable location, arrangement, size, and general site compatibility of buildings and lighting that enhances the streetscape and which is compatible and appropriate for the neighborhood;
- C. Stormwater and drainage facilities shall prevent flooding, erosion, and improper obstruction of drainageways, the public right-of-way and adjoining properties;
- D. Tress, shrubs and other landscaping shall be retained to the maximum extent possible;
- E. Adjacent or neighboring properties shall be protected against noise, glare, unsightliness or other objectionable features; and
- F. There shall be adequate arrangement and appearance of exterior storage and parking and loading areas.

§ 106-88. Electric and communications utility standards.

- A. Underground installation of electrical and communications lines and facilities.
 - (1) Applicability. These standards shall apply to all electric facilities and to all communications facilities, including but not limited to telephone, telegraph, cable television, fiber optics and electrical communications facilities, with the following exceptions:
 - (a) Electric utility substations, pad-mounted transformers and switching facilities not located on the public right-of-way where site screening is or will be provided;
 - (b) Electric transmission systems (including poles and wires) of a voltage of more than 35,000 volts;

- (c) Telephone pedestals and other equivalent communications facilities;
- (d) Police and fire sirens, or any similar Village, county or state emergency services equipment, including traffic-control equipment.

- (2) Definitions. The following terms, when used in this section, shall have the following definitions:

REBUILDS — A placement of overhead facilities for a distance of three or more spans (four poles) or 500 feet exclusive of replacements due to casualty damage.

RELOCATIONS — Removal of existing facilities with subsequent reinstallation at an adjacent location, generally necessitated by roadway improvements or widening projects.

SERVICES — Facilities located on private property and/or for the specific purpose of servicing one customer.

- (3) General requirements. All extensions, relocations, or rebuilds of existing overhead electric and communications facilities within the B1, B2, B3, B4, E1, E2, E3 and G Zoning Districts shall be installed underground.

B. Underground installation of electrical and communications services.

- (1) All new electric or communications services from an overhead or underground facility to serve all buildings and structures shall be installed underground. All rebuilt or relocated electric or communications service from an overhead or underground facility to serve all buildings and structures shall be installed underground, except:

- (a) Those services which only involve a change in the overhead service line without a change in the corresponding service entrance facilities; and
- (b) Rebuilding or enlarging services feeding overhead to existing single-family dwellings, two-family dwellings and manufactured homes.

- (2) Proposed new development shall provide for the undergrounding of utility facilities (e.g., cable television, data network, electrical, telephone, and similar distribution lines providing direct service to the site) in compliance with the following requirements:

- (a) Nonresidential development. All utility facilities shall be installed underground within the site.
- (b) New single-family dwelling, two-family dwelling and manufactured home development. All utility facilities on a site being developed with a new detached dwelling unit shall be installed underground within the property lines of the site.

[1] Risers on poles and structures are allowed and shall be provided by the developer or owner from the pole that provides services to the property.

- [2] Where no developed underground system exists, utility service poles may be placed on the rear of the property to be developed only to terminate underground facilities.
 - [3] The developer or owner is responsible for complying with the requirements of this section and shall make the necessary arrangements with the affected utility providers for the installation of the facilities.
 - [4] The requirements of this subsection shall not apply when the cost of placing the services underground exceeds 50% of the cost of construction of the new dwelling unit or the new construction.
- (c) Exemptions. A development located outside of the B1, B2, B3, B4, E1, E2, E3, and G Zoning Districts shall not be subject to the requirements of these standards if, as of the date of filing of a building permit application, the utility lines serving the site are located aboveground and there are no underground facilities within 100 feet of the site.

ARTICLE XIV Supplemental Standards

§ 106-89. Applicability.

Land use or development that complies with these supplemental standards and that does not otherwise require review under this code may be undertaken without Village approval except as specifically required by this section. Any such land use or development which does not comply with these supplemental standards shall not be undertaken except pursuant to a special use permit.

§ 106-90: Accessory structures and appurtenant structures.

A. Accessory structures.

- (1) All accessory structures must meet dimensional requirements of Schedule 2 and this chapter.³³
- (2) A building permit is required for accessory structures over 144 square feet in area as measured by plan or elevation view, whichever is larger.
- (3) All accessory structures must meet setback and height requirements of the zoning district in which they are located.
- (4) No accessory structure shall be built or placed in the front yard.
- (5) No accessory structure, or portion thereof, may be built upon a public ROW or easement.

33. Editor's Note: Schedule 2 is included as an attachment to this chapter.

- (6) Detached garages and/or accessory structures shall not exceed 15% of the total lot area associated with the primary building.
- (7) All accessory structures, except for wind- and solar-powered structures, shall be similar in design, exterior materials, and roof pitch to the principal and/or surrounding neighborhood buildings.
- (8) The exterior walls of accessory structures shall not exceed nine feet in height above the finished floor, measured at the primary access to the building.
- (9) The maximum height of accessory structures shall not exceed 15 feet above the finished grade, measured at the primary access to the building.
- (10) If used for off-street parking, the accessory structure must be accessible from a street, paved alley, or driveway intended to serve such off-street parking.
- (11) Where multiple lots of record have continuous frontage and are under single ownership, the accessory structure is located on the lot upon which the principal building is located.

B. Appurtenant structures.

- (1) A building permit is required for all appurtenant structures.
- (2) All appurtenant structures must meet setback and height requirements for the zoning district in which they are located.

§ 106-91. Fencing, retaining walls and hedges.

- A. Applicability. Administrative approval is required for any fence or retaining wall, except for fences or retaining walls that do not exceed three feet in height and temporary garden fences erected between April 15 and October 15 and constructed of materials commonly used for such applications.
- B. Fences and retaining walls over 100 square feet in area shall be located more than 50 feet from the shoreline of a lake, river or pond.
- C. No solid fences or retaining walls over 26 inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 20 feet in distance from the point of intersection measured along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, if there is no curbing. Split-rail fences or other similarly open fences are permitted in the triangular area and are permitted to be 36 inches in height, provided that they do not create a traffic hazard and block visibility. No hedge over three feet in height shall be planted or maintained this same triangular area.
- D. Fence design.
 - (1) Fences shall be constructed of a common type such as split rail, picket, chain link, or stockade. Fences shall have the most decorative side facing adjacent properties.

- (2) No stockade-type or privacy fence shall be allowed in any front yard of a corner lot.
- (3) The fencing does not include barbed-wire, electric or similar materials designed to injure or maim anyone who attempts to climb such a fence.
- (4) Fences shall not be erected within two feet of a publicly owned curb or sidewalk and shall not be erected within a public ROW.

E. Fence height.

- (1) Fence height shall be measured from the natural grade of the land along the fence line.
- (2) No fence over four feet in height shall be erected or maintained in the front yard.
- (3) Waterfront lots shall be considered as having dual front yards, the yard facing the street and the yard facing the water body, river or stream. In these instances no fence over four feet in height shall be erected or maintained in either front yard.
- (4) No fence over six feet in height shall be erected or maintained in any rear yard or side yard.
- (5) Fences erected or maintained in the two rear yards of a corner lot (the yards not facing a street) shall not exceed six feet in height.

F. Retaining wall design.

- (1) Existing stone retaining walls shall be preserved to the maximum extent practicable. Prior to the demolition or removal of a stone retaining wall, a demolition permit shall be obtained.
- (2) Retaining walls shall be constructed of natural or manufactured stone, concrete, or wood.
- (3) Retaining walls shall not be erected within two feet of a publicly owned curb or sidewalk and shall not be erected within a public ROW.

G. Retaining wall height.

- (1) Retaining wall height shall be measured from the lowest point of the natural grade of the property.
- (2) No retaining wall over four feet in height shall be erected or maintained in the front yard.
- (3) The Director may approve the replacement of an existing retaining wall over four feet in height that is located in the front yard if the following conditions are met:
 - (a) The Director determines that the retaining wall, if it is constructed of stone, cannot be safely or cost effectively repaired.

- (b) The height and length of the new retaining wall is less than or equal to the height and width of the retaining wall to be replaced.
 - (c) The existing grade is unchanged and the original need for the retaining wall still exists.
- H. Maintenance. All fences and retaining walls shall be maintained in good repair and shall not interfere with the public right-of-way.

§ 106-92. Docks.

- A. A building permit is required for any dock.
- B. Standards for docks.
 - (1) No dock shall be constructed in any configuration other than straight, pier, T, L, U, E or F shape.
 - (2) No dock shall extend more than 40 feet offshore from the mean high-water mark or more than 20% of the width of the waterbody at the point of construction.
 - (3) No dock shall exceed eight feet or be less than two feet in width, and the total width of any dock system, including all lateral projections, shall be 40 feet.
 - (4) The maximum surface area of any dock shall be 700 square feet.
 - (5) Every dock or wharf constructed shall have a minimum setback of 20 feet from the adjacent property line.
 - (6) Docks constructed on the same parcel shall be a minimum of 30 feet apart along the shoreline.
 - (7) No dock shall be constructed so as to interfere with normal navigation or reasonable access to adjacent docks.
 - (8) The number of docks permitted to be constructed per lakefront lot is limited as listed in the Table of Standards for Docks below:

Table of Standards for Docks

Amount of Lake Frontage (linear feet)	Number of Docks
45 to 65	1 straight pier, a minimum of 45 linear feet, is required for the construction of a dock
66 to 150	1 straight T, L, or U-shaped dock
151 to 250	2 straight T, F, L or U-shaped docks or 1 E-shaped dock
251 to 500	3 straight T, F, L or U-shaped docks or 2 E-shaped docks

Table of Standards for Docks

Amount of Lake Frontage (linear feet)	Number of Docks
501 or more	4 straight T, F, L, E or U-shaped docks plus, for each 150 lf over 501 lf, 1 additional dock

§ 106-93. Home occupations.

A. General provisions.

- (1) Home occupations meeting the requirements and standards of this section are considered to be permitted accessory uses.
- (2) Allowing a variety of home occupations can promote economic vitality and diversity in the community.
- (3) Allowing people to work in their homes can cut down on traffic congestion and the need for parking in commercial areas.
- (4) The home occupation should not have a negative impact on the neighborhood and property values or affect the health, safety and welfare of adjoining residents.
- (5) Home occupations are a positive and efficient use of property as long as they do not create any disturbances, such as noise, odors, or parking problems, in their neighborhoods.
- (6) Hobby or club/group meetings are not occupations and are not subject to this home occupation regulation.
- (7) This section shall not prevent individuals, owners, lessees or purchasers under contract from conducting a business, trade, or profession in their homes or residences, provided that they meet the standards set forth by these regulations.

B. Standards. Home occupations shall be permitted as an accessory use for any residential use, provided that the following standards are maintained by all persons engaged in such activities:

- (1) The activity shall not alter the primary use of the premises as a residence and shall be subordinate and limited to its utilization for other than residential uses to 30% of the total floor area of the residence or 700 square feet, whichever is greater, and the activity may utilize 100% of an accessory structure and/or building.
- (2) Only the occupants of the residence and two nonoccupants of the residence may conduct the activity.
- (3) In no way shall the appearance of the structure be altered, nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials,

construction, lighting, signs, or the emission of noises, odors, vibration or electromagnetic interference.

- (4) Outdoor storage related to a permitted home occupation is permitted in the side or rear yard in an area of up to 500 square feet. Outdoor storage relating to permitted home occupations shall not occur in the front yard. Outdoor storage areas shall not be located within eight feet of a property line.
- (5) There will be no storage on the premises of explosives or highly flammable or extremely hazardous materials, as defined by the United States Environmental Protection Agency, used in conjunction with a home occupation.
- (6) Wholesale or retail sale of goods on the premises shall be limited to 700 square feet.
- (7) Signs for home occupations are permitted under the following standards:
 - (a) One sign, wall sign or freestanding, of up to four square feet in area is permitted; and
 - (b) Externally and internally illuminated signs are prohibited.
- (8) Parking for up to four vehicles related to the home occupation may be provided. Parking for all vehicles related to the home occupation, including customer, employee, trailers and work vehicles, shall be provided in approved off-street parking spaces or accessory buildings.
- (9) A bed-and-breakfast is permitted to be operated as a home occupation under the following conditions:
 - (a) The owner makes his or her residence on the premises.
 - (b) The bed-and-breakfast is located in a single-family or two-family dwelling.
 - (c) Services shall be or are offered only to registered lodgers and not to the general public.
 - (d) No bedrooms for transient use shall be located above the second story, except in compliance with Subsection B(9)(e) through (g) below or the New York Fire Prevention and Building Code as amended.
 - (e) A fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating: Means of egress, location of means of transmitting fire alarms, if any, and evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire- or smoke-detecting or other alarm device.
 - (f) Means of egress shall include at least one of the following alternatives: A special sprinkler installation conforming to the requirements of the New York State Fire Prevention and Building Code protecting all interior stairs serving as means of egress, an exterior stair conforming to the requirements of the New York State Fire Prevention and Building Code providing a second

means of egress from all above-grade stories or levels, or an opening for emergency use conforming to the requirements of the New York State Fire Prevention and Building Code within each bedroom for transient use, such opening to have a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder which attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, shall extend to grade, and shall provide unobstructed egress to legal open space.

- (g) Smoke-detecting alarm devices, installed in conformity with the New York State Fire Prevention and Building Code, shall be provided outside each separate sleeping area, in each sleeping space and on each floor level.
 - (h) There is a two-person per room maximum and a five-room maximum occupancy.
- C. Permitted home occupations. Subject to the requirements herein, and notwithstanding anything to the contrary set forth above, customary home occupations include, but are not limited to, the following:
- (1) Consultation or emergency treatment by a doctor or a dentist, but not the general practice of such profession.
 - (2) Home office facility of a salesperson, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.
 - (3) Office facilities for clergy.
 - (4) Child-care/home care/day-care operations.
 - (5) Home crafts such as model making, rug weaving, and lapidary work.
 - (6) Workshop or studio for an artist, photographer, craftsman, writer, composer, dressmaker, tailor or computer repair, programming or design.
 - (7) Facilities for instruction to not more than three pupils at any given time such as in music, dance or special education.
 - (8) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.
 - (9) Office facilities for accountants, authors, editors, architects, brokers, consultants, engineers, website and graphic design, computer programming, land surveyors, lawyers, planners, insurance agents, realtors, and financial planners.
 - (10) Bed and Breakfast in compliance with 9.5.2 (i).

§ 106-94. Manufactured homes and manufactured home communities.

- A. All manufactured homes outside manufactured home communities shall require administrative approval from the Director.
- B. All manufactured home communities shall require a special use permit.
- C. Manufactured homes outside manufactured home communities.
 - (1) Any manufactured home parked or placed outside a manufactured home community shall demonstrate proper connection to the Village water and sewer systems; and
 - (2) A manufactured home outside a manufactured home community shall comply with all the dimensional standards of this code.
- D. A manufactured home not in a manufactured home community and lawfully in existence at the effective date of this code shall register with the Director within 30 days of the effective date of this code.
- E. In accordance with § 106-39I of this code a home owner owning a manufactured/mobile home on the effective date of this code may replace his or her manufactured/mobile home with one of equal or greater value.
- F. Any replacement of a manufactured home registered with the Director under this section shall comply with the dimensional requirements of this code.
- G. Manufactured home communities.
 - (1) A manufactured home shall be so placed on each lot that it shall be a distance of at least 20 feet from the next manufactured home in such court in any direction.
 - (2) No manufactured home lot shall be located within 50 feet of any public highway or street lines or within 25 feet of any adjacent property line;
 - (3) An adequate supply of pure water for drinking and domestic purposes shall be supplied to all buildings and manufactured home lots within the courts to meet the requirements of the court.
 - (4) Each manufactured home lot shall be provided with proper water connections.
 - (5) Each manufactured home lot shall be provided with a sewer line according to the standards and specifications of the Village Department of Public Works, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink the manufactured home harbored in such lot and having any and all of such facilities.
 - (6) Sewer connections in unoccupied lots shall be so closed that they will not emit any odors or cause a breeding place for insects.
 - (7) Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish.

- (8) Garbage cans shall be located not farther than 200 feet from any manufactured home lot.
 - (9) Each manufactured home community shall provide weatherproof electric service connections and outlets for each lot, all such connections and outlets to be of a type approved by an appropriate electrical inspection agency.
- H. Occupancy records. The owner or operator of each manufactured home community shall keep a record, in writing, of all persons occupying or using the facilities of such manufactured home community, which record shall include the following:
- (1) The name and address of the occupant of each manufactured home; and
 - (2) The name and address of the owner of each manufactured home which is not occupied by the owner.
- I. None of the provisions of this section shall be applicable to a temporary office located on the site of a construction project, survey project or other similar work project and used solely as a field office or work or tool house in connection with such project, provided that such manufactured home is removed from said site within 30 days after the completion of construction.

§ 106-95. Agricultural uses and composting.

- A. It shall be unlawful for any person to undertake any agricultural uses relating to the keeping of animals and livestock except in compliance with the following regulations and standards:
- (1) Regulations under this section apply to the harboring of livestock and small animals or fowl in the Village, provided that these regulations shall not apply to animal services facilities, kennels, veterinary offices, clinics, and hospitals, nor shall it apply to any facility possessing or maintaining livestock and/or small animals or fowl which is owned, operated, or maintained by any Village, county, state, or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor shall it apply to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law;
 - (2) All animals found to be at large may be taken up and impounded. Animals may also be impounded for any of the reasons as provided in this code;
 - (3) It is declared a nuisance and shall be unlawful for any person to keep, within the Village limits or upon any premises within the Village, any livestock;
 - (4) It shall be unlawful for any person to harbor livestock and small animals or fowl, including roosters, within the Village except as provided in this code.
- B. Hen chickens, turkeys, ducks, and rabbits. The keeping of hen chickens, turkeys, ducks, and rabbits in the Village is permitted, providing the following requirements are met:

- (1) The minimum lot size for harboring and maintaining rabbits and hen chickens, turkeys and ducks, in the Village shall be 5,000 square feet;
 - (2) A total of six hen chickens, turkeys, duck, and rabbits in any combination is permitted for each 5,000 square feet of lot area;
 - (3) One additional hen chicken, turkey, duck, or rabbit is permitted for every 1,000 square feet of lot area over 5,000 square feet of property;
 - (4) The maximum number of hen chickens, turkeys, ducks, or rabbits permitted under any lot size is 30;
 - (5) In determining the number of hen chickens, turkeys, ducks, and rabbits permitted, only those animals eight weeks or older in age shall be counted;
 - (6) Coops and/or cages are not permitted in the front yard;
 - (7) No more than one animal shelter building each for the housing of rabbits and hen chickens shall be permitted on one lot;
 - (8) Hen chickens shall be confined in a coop not less than 36 inches in height. The coop must be used for chickens only, and must be well-ventilated. The coop shall have a minimum of four square feet of floor area for each hen chicken;
 - (9) No pens, cages, crates, or enclosures, etc., shall be located closer than 15 feet to the side or rear property line or any residential building;
 - (10) All animals shall be confined to the private property on which they are kept;
 - (11) All pens, cages, crates, and enclosures and premises upon which any such animals are kept and confined shall be kept in a clean, healthful, and sanitary condition by the person owning, possessing, or using any such premises for said purposes;
 - (12) No persons owning, possessing, or using any such premises shall permit any nuisance arising from such animals to be formed or to accumulate thereon;
 - (13) The run must be well drained so there is no accumulation of moisture. The coop shall be constructed in a manner to prevent dogs, vermin (raccoons, fox, weasel, etc.) and other predators from entering; and
 - (14) Coops and cages shall be kept clean, sanitary, and free from accumulation of animal excretion and objectionable odors.
- C. Bees. The keeping of bees in the Village is permitted, providing the following requirements are met:
- (1) Parcel and apiary size requirements are listed in the Table of Standards for Apiaries below:

Table of Standards for Apiaries

Parcel Size (square feet)	Number of Hives
0 to 5,999	0
6,000 to 10,000	2
10,001 to 20,000	4
20,001 to 43,560 (0.46 acre to 1 acre)	10
Over 1 acre	No more than 10 on any Village property

- (2) Hives are not permitted in the front yard.
- (3) Hives shall be at least 25 feet from a property line, with the hive entrance facing away from or parallel to the nearest property line.
- (4) Hives adjacent to public ROWs shall comply with placement requirements in such a manner as to direct bee flight at least 20 feet into the air over the road surface. In lieu of this requirement, a hive shall be placed at least 100 feet from the road right-of-way, with the entrance parallel thereto.
- (5) Hives shall be managed for swarm prevention and gentleness.
- (6) Hives shall be requeened at least biannually to prevent swarming. Annual requeening is strongly recommended.
- (7) Hives shall be requeened if bee behavior is likely to cause a nuisance.
- (8) A consistent source of water shall be provided at the apiary unless it occurs naturally within 300 yards. The water may be sweetened with mineral salt or chlorine to enhance its attractiveness. This requirement is intended to discourage bee visitation at swimming pools, hose bibs, animal watering sources, bird baths or where people congregate.
- (9) Apiaries shall be managed and kept in a clean and orderly manner and appearance to prevent a nuisance.
- (10) An apiary shall be identified by placing a sign so it is visible to passersby. Sign lettering shall be a minimum of two inches in height and shall include the name and telephone number of the owner. Signs shall be placed in a manner to make them conspicuous to anyone approaching the apiary.
- (11) Bees shall be considered a nuisance when colonies of bees are defensive or exhibit objectionable behavior or interfere with the normal use of property or the enjoyment of persons, animals or property adjacent to an apiary; or when colonies of bees swarm; or when the hive becomes abandoned.

D. Pigeons. The keeping of pigeons in the Village is permitted, providing the following requirements are met:

- (1) The keeping of pigeons within a dwelling unit, condominium development or townhouse development is not permitted.
 - (2) Pigeons kept in the groups consisting of "homing," "show" and "fancy" classes must not exceed 40 birds.
 - (3) The uncontrolled release of pigeons (free lofting) in a residential area is not permitted.
 - (4) Free-flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
 - (5) Free nonflight time must be conducted under close supervision by the owner.
 - (6) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
 - (7) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
 - (8) Every reasonable attempt must be made to retrieve birds that do not return.
 - (9) Birds must not be permitted to roost on neighbors' premises.
 - (10) Birds must be appropriately conditioned in their behavior to ensure rapid and voluntary return to their enclosure after liberation.
- E. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian potbelly pig (*Sus scrofa bittatus*) may be kept as a small animal, provided that the animal is fully domesticated and is kept in the principal dwelling and that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the Village.
- F. General requirements concerning the lawful keeping of animals.
- (1) It is unlawful for any person to intentionally or carelessly injure any animal within the Village.
 - (2) Sanitary keeping. It is unlawful to keep any animals within the Village unless the places where they are kept are at all times maintained in a sanitary condition. If the animal control officer determines that the condition of the place where the animals are kept is unsanitary, the party so keeping the same shall have a period not to exceed five days in which to place the same in a sanitary condition in accordance with the direction of the animal control authority. If the unsanitary condition is not abated within the five-day period, the premises may be abated as a nuisance.
 - (3) Abandonment. It is unlawful for any person to transport any animal within the Village limits for the purpose of abandoning it either within or without the Village limits, or to place any animal on public or private property for the purpose of abandonment.

- (4) Transporting or confining in an unsafe manner. It is unlawful for any person to willfully transport or confine or cause to be transported or confined any domestic animal or animals in a manner, posture, or confinement that will jeopardize the safety of the animal or the public.
- (5) Mistreatment. It is unlawful for any person to keep or harbor an animal within the Village without providing a suitable dry place for the housing thereof, or to fail to provide a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, or to leave the premises upon which such animal is confined, or to which it customarily returns, for more than 24 hours without providing for the feeding and care of such animal in the absence of such person.

G. Preexisting conditions.

- (1) Any person keeping hen chickens, rabbits, bees, and pigeons on the effective date of this code in nonconformance with the standards of this section shall comply with the standards pertaining to avoidance of nuisance conditions and shall otherwise comply with these standards within two years from the effective date of this code.
- (2) The keeping of other forms of livestock that is not conforming to the requirements of this code and in existence on date of the adoption of this code shall be allowed to continue; provided, however, that such use shall not cause a nuisance and shall otherwise comply with these standards two years from the effective date of this code.
- (3) No expansion or enlargement of the nonconforming keeping of animals is allowed.
- (4) The discontinuance of any nonconforming keeping of animals for a period of 12 consecutive months shall be deemed abandonment of the use, and any further keeping of livestock on the property shall conform to this section.

H. Composting.

- (1) Yard, wood and kitchen compost shall not include meat, fish, bones, fatty foods (cheese, oils, etc.) or inorganic material (plastic, glass, foils, etc.).
- (2) The compost pile, pit or bin shall have a footprint of no more than 64 square feet and shall be no more than four feet high.
- (3) No compost pile, pit or bin shall be permitted within the front yard of any lot within the Village, except in self-contained, commercially manufactured bins with a footprint of no more than nine square feet.
- (4) The side yard and rear yard setback for the compost pile, pit, or bin shall be five feet;
- (5) The compost pile, pit or bin must be maintained in a manner that will not emit noxious odors or attract animals.
- (6) Livestock mortality and butcher waste is prohibited.

§ 106-96. Rubbish, dumpsters, and garbage storage.

- A. General requirement. In addition to the requirements of Article 307 of the New York State Property Maintenance Code as amended from time to time, all rubbish and garbage shall be stored in accordance with the requirements of this section; provided, however, that single-family and two-family dwellings are exempt from the requirements of this section.
- B. Administrative approval shall be obtained from the Director prior to the installation and location of any solid waste container, or relocation of any container, and prior to the installation of any required screening for a container.
- C. Containment.
- (1) All solid waste shall be stored in approved containers.
 - (2) Containers shall include receptacles (e.g., dumpsters, garbage cans, and recycling bins) constructed of such material and in such a manner as to hold solid waste without breaking or collapsing.
 - (3) Containers shall have covers so that the contents therein are not exposed to the weather, animals and vermin.
- D. Screening.
- (1) Solid waste containers shall be screened from off-site views to achieve a visual barrier.
 - (2) Screening may consist of fencing, walls, evergreen landscaping, berms, or other methods approved by the Director.
 - (3) Screening shall exceed the height of the container(s) and should include gates serving to screen the container(s).
- E. Container usage.
- (1) Container covers shall remain closed, and containers shall not be overfilled;
 - (2) Dumpster screening gates shall be closed at all times except for loading or unloading;
 - (3) A sufficient number of containers shall be provided to hold all solid waste between removal dates; and
 - (4) Solid waste in containers shall be removed at a frequency necessary to prevent insect and rodent attraction and nuisance conditions.
- F. Location of containers.
- (1) Containers shall be set back five feet from the side or rear property lines;
 - (2) Containers shall not be located within the front yard; and

- (3) The location requirements as set forth herein may be modified pursuant to administrative review by the Director and in accordance with the following conditions:
 - (a) It is technically infeasible to meet the dimensional requirements due to preexisting conditions such as the location of buildings on a lot or terrain; and
 - (b) The approved modification(s) shall not compromise aesthetics or create a nuisance.

§ 106-97. Clearing regulations.

A. Selective tree removal and clear-cutting.

- (1) Clear-cutting on any one lot shall not exceed 1/2 acre;
- (2) No clear-cutting shall be permitted on slopes greater than 15%;
- (3) Selective removal of trees on slopes over 15% is permitted when done in accordance with a cutting plan as prepared by a qualified forester; and
- (4) All timber harvesting operations, including headers and entrances, shall be done in accordance with a plan prepared by a qualified forester and must employ best management practices (BMPs) as promulgated by the New York State Department of Environmental Conservation (DEC) to prevent sedimentation.

B. Clearing for subdivisions.

- (1) Clearing for subdivisions is not allowed until final approval of the subdivision from the Development Board is complete.
- (2) During construction, clearing shall be limited to the extent of grading only as permitted in final plat approval.
- (3) All clearing operations must make provision for protection against erosion and sedimentation in accordance with stormwater control requirements in Part 4, Article XVIII, of this code and the New York State Department of Environmental Conservation if applicable.

C. Clearing for new and existing structures.

- (1) Cutting on slopes greater than 25% shall be prohibited except for the construction of buildings with a building permit and in accordance with these clearing regulations.
- (2) Clearing for a driveway shall be limited to the minimum width necessary to accommodate the driveway and grading, and in no case shall exceed 25 feet.
- (3) Clearing for a septic field or pit or sewer line shall be limited to 10 feet beyond the space occupied by the elements of the system.

§ 106-98. Special events.

- A. Approval required. Administrative approval is required to hold a special event on residential private property. No Administrative approval is required for special events held on nonresidential private property, and such events are not subject to the standards in § 106-98B. However, nothing in this section exempts the organizer of a special event on nonresidential property from obtaining any other permits and approvals that may be required from other agencies, and such events shall conform to all other applicable Village, county and state laws and regulations.
- B. Standards. Special events on private residential property shall conform to the following provisions:
- (1) Special events shall not occur more than three times per calendar year on any residential lot.
 - (2) Special events shall not extend more than one day.
 - (3) Special events may only occur between the hours of 8:00 a.m. and 10:00 p.m. on the scheduled day of the event.
 - (4) Special events shall not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood where the event will be held or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Village.

§ 106-99. Residential sale events.

No person shall conduct a yard sale, barn sale, garage sale, tag sale or similar event on a residential premises, regardless of how the event is described, except in accordance with the following provisions:

- A. Such events shall occur not more than five times per calendar year on any residential lot. If more than five times per year, it is considered a home occupation.
- B. The event shall not exceed three consecutive calendar days per occurrence.
- C. Limits on hours of sale and/or event. On the days the event is scheduled to occur, the hours of the sale or event shall be restricted to the hours of 8:00 a.m. to 8:00 p.m.
- D. Signage. Any signs associated with the event shall be installed not more than one week before the start of the event and shall be removed immediately upon its close.

§ 106-100. Retail sale events.

- A. Retail sales in District E: Outdoor sales and displays are allowed to occur when consistent with the following standards:

- (1) Outdoor sales of goods and merchandise on a permanent basis are prohibited;
 - (2) Outdoor sales and displays may occur from Memorial Day through Labor Day each year and for not more than one time for six weeks during the remainder of the year;
 - (3) Outdoor sales and displays may occur on private property and on the same lot as the associated retail operation;
 - (4) Outdoor sales and displays may occur along the public sidewalk when consistent with the Table of Encroachment Standards in § 106-101, Encroachments, specifically maintaining a clear walk path. Displays shall be located directly against the building and not along the curb side; and
 - (5) Outdoor sales areas may not take up more than 75% of the frontage of the building that they are associated with.
- B. Retail sales in other districts: Outdoor retail sales and displays that provide the following information and meet the following standards may be undertaken pursuant to administrative approval by the Director:
- (1) The sales area must be delineated on a site plan indicating its dimensions and overall area size;
 - (2) If located within a parking lot, document the number of parking spaces impacted;
 - (3) Indicate how will pedestrians access the sales areas, and when leaving the area, other destinations within the site should be provided;
 - (4) Indicate the size and type of structures, barriers, or buildings to be erected to temporarily facilitate sales of products or sales operations. Such structures, barriers, or buildings shall be of similar color and materials so as to complement the other structures or buildings on the site;
 - (5) Indicate measures to be taken to limit potential adverse visual impacts. Such measures may include plantings to screen the area or fences to block views from neighboring properties or public rights-of-way;
 - (6) Ensure a dimensional separation of 10 feet and the provision of a structural barrier between vehicle travel lanes and pedestrianways; and
 - (7) Indicate measures to be taken to alleviate adverse impacts to the safe movement of vehicles and pedestrians through the area.

§ 106-101. Encroachments.

- A. Permit required. Encroachments of temporary structures or improvements, including but not limited to planter boxes, seating, arcades, galleries, temporary signs and awnings, within the public ROW are permitted with administrative approval from the Director.

- B. Encroachments into the public ROW shall be in conformance with the standards in the Table of Encroachment Standards:

Table of Encroachment Standards

Standard	Distance (feet)
Encroachment location: front and street side (maximum encroachment distance)	8
Clear space to curb (minimum distance to maintain clear at all times)	4
Clear walk path (minimum distance to maintain clear at all times)*	4
Vertical clear area to sidewalk (minimum distance to maintain clear at all times)	8

*Note: Clear walk path is intended to comply with the standards of the Americans with Disabilities Act.

§ 106-102. Wind-powered systems.

A. General regulations.

- (1) Accessory use. Wind-powered systems may exist only as an accessory use.
- (2) Accessory structure. Ground-mounted wind-powered systems shall be considered accessory structures.
- (3) Permits required. Prior to installation of a wind-powered system, administrative approval and a building permit are required. The application for an administrative permit for a wind-powered system must be accompanied by a site plan and elevation drawings.
- (4) Site plan requirements. A site plan of the proposed wind-powered system shall include:
 - (a) A survey or scaled drawing of the site on which the proposed wind-powered system will be constructed;
 - (b) The location of the wind-powered system in regards to the property on which the system will be constructed.
 - (c) All components of the system, including the distance of the system to the property lines; required setbacks; existing structures on the site; natural features such as watercourses and trees.
- (5) Elevation drawings. Elevation drawings shall include:

- (a) The design and height of the proposed wind-powered system; and
- (b) Detailed drawings of all system components.

B. Design standards.

- (1) **Setback requirements.** Ground-mounted wind-powered systems, including windmills and/or wind turbines, shall be set back from all boundaries of any lot or habitable structure by a distance equal to at least 125% of the tower's height, as measured from average natural ground level to the highest point of the arc of the wind blades' elevation above such ground level.
- (2) **Power output.** Wind-powered systems shall be limited to five kilowatts of peak power output.
- (3) **Permissible noise levels.** All wind-powered systems are limited to 60 decibels at any point along the property line of the lot on which the system is to be located.
- (4) **Tower type.** The tower shall be monopole without guy wires.
- (5) **Color.** The color of all wind-powered systems shall be nonreflective and of neutral tones or of earth tones such as subdued green or brown. Grey, including naturally darkening galvanized grey, is also an acceptable neutral tone. Wind-powered systems shall not be finished in bright or vivid colors intended to draw attention to the structure.
- (6) **Density.** One wind-powered system is allowed on any lot unless they are separated by a distance equal to at least the height of the tallest such tower, as measured from average natural ground level to the highest point of the wind blades' elevation above such ground level.
- (7) **Lighting.** All lighting not required by Federal Aviation Administration (FAA) regulations is prohibited.
- (8) **Signs.** There shall be no signage on the tower structure or any rotor blade.

C. Abandonment.

- (1) **Abandonment.** A wind-power system shall be considered abandoned if the wind-powered system is not operated for a continuous period of 12 months.
- (2) **Removal.** Upon abandonment or discontinuation of use, the property owner shall completely disassemble and remove all elements of the wind-powered system, including its base and foundation, within 90 days from the date of abandonment or discontinuation of use.

§ 106-103. Solar electric systems.

A. General regulations.

- (1) Accessory use. Solar electric systems may exist only as an accessory use.
- (2) Accessory structure. Ground-mounted and freestanding solar electric systems shall be considered accessory structures.
- (3) Permits required. Prior to installation of a solar electric system a administrative approval and a building permit are required. A New York State Unified Solar Permit application may be submitted in-lieu of an administrative permit application and building permit application for roof-mounted solar electric systems. The application for an administrative permit for a Ground-mounted or freestanding solar electric system must be accompanied by a site plan that includes the following:
 - (a) A survey or scaled drawing of the site on which the proposed solar electric system will be constructed;
 - (b) The location of the solar electric system in regards to the property on which the system will be constructed.
 - (c) All components of the system including the distance of the system to the property lines; required setbacks; existing structures on the site; natural features such as watercourse and trees.
- (4) A site plan of the ground-mounted or freestanding solar electric system shall include:
 - (a) A survey or scaled drawing of the site on which the proposed solar electric system will be constructed;
 - (b) The location of the solar electric system in regards to the property on which the system will be constructed.
 - (c) All components of the system including the distance of the system to the property lines; required setbacks; existing structures on the site; natural features such as watercourse and trees.

B. Design standards.

- (1) Setbacks. Ground-mounted and freestanding solar electric systems shall meet applicable accessory structure setback requirements of the zoning district in which the system is located.
- (2) Maximum height. The height of the solar electric system and any mounts shall not exceed 20 feet when oriented at maximum tilt.
- (3) Maximum size. The total surface area of all ground-mounted and freestanding solar electric systems on the lot shall not exceed 1,000 square feet.
- (4) Front yard prohibition. Solar electric systems shall not be located in the front yard.

C. Abandonment; removal.

- (1) Abandonment. A solar electric system shall be considered abandoned if the solar electric system is not operated for a continuous period of 12 months.
- (2) Removal. Upon abandonment or discontinuation of use, the property owner shall completely disassemble and remove all elements of the solar-electric-powered system, including its base and foundation, within 90 days from the date of abandonment or discontinuation of use.

§ 106-104. Community houses.

- A. General regulations. Community houses shall require special use permits in any district allowed by Schedule 1 and are subject to all applicable provisions of Article XII and the design and supplementary standards of Articles XIII and XIV.³⁴
- B. In addition to the applicable provisions of Articles XII, XIII and XIV, new community houses shall also comply with the following requirements:
- (1) Density. Density shall not exceed one person per 200 square feet of gross floor area.
 - (2) Dimensional standards. All dimensional standards for the underlying zoning district shall be applicable.
 - (3) Minimum distance between community houses. The minimum distance (lot line to lot line) between any two community houses shall be 500 feet.

ARTICLE XV**Local Waterfront Consistency Review****§ 106-105. Authority and purpose.**

- A. This article is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this article is to provide a framework for agencies of the Village to consider the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions located in the coastal area and to assure that such actions and direct action are consistent with said policies and purposes.
- C. It is the intention of the Village that the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this article is intended to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this article shall only apply while there is in existence a Village of Saranac Lake Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

34. Editor's Note: Schedule 1 is included as an attachment to this chapter.

§ 106-106. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACTIONS — Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- A. Are directly undertaken by an agency; or
- B. Involve funding by an agency; or
- C. Require one or more new or modified approvals from an agency or agencies;
- D. Are agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
- E. Are adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- F. Are any combinations of the above.

AGENCY — Any board, department, office, other body or officer of the Village of Saranac Lake.

COASTAL AREA — That portion of New York State coastal waters and adjacent shorelands, as defined in Article 42 of the Executive Law, which is located within the boundaries of the Village of Saranac Lake, as shown on the coastal area map on file in the office of the Secretary of State and as delineated in the Village of Saranac Lake Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) — The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT — That the action will fully comply with the Local Waterfront Revitalization Program policy standards and conditions and, whenever practicable, will advance one or more of them.

DIRECT ACTION — An action planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policymaking.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) — The Local Waterfront Revitalization Program of the Village of Saranac Lake, approved by the New York State Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the offices of the Clerk and the offices of the Department of Community Development of the Village of Saranac Lake.

§ 106-107. Review of actions.

- A. Whenever a proposed action is located in the Village's coastal area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the goals and objectives of the LWRP.
- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the applicant or, in the case of a direct action, the agency shall prepare a coastal assessment form (CAF) to assist in the consistency review.
- C. The agency shall refer a copy of the completed CAF to the Development Board within 10 days of its submission and prior to making its determination shall consider the recommendation of the authorized official with reference to the consistency of the proposed action.
- D. After referral from an agency, the Development Board shall consider whether the proposed action is consistent with the goals and objectives of the LWRP set forth herein. The authorized official shall require the applicant to submit all completed applications, environmental assessment forms and any other information deemed to be necessary to its consistency recommendation.
- E. Development Board recommendation:
 - (1) The Development Board shall render its written recommendation to the agency within 30 days following referral of the CAF from the agency, unless extended by mutual agreement of the Development Board and the applicant or, in the case of a direct action, the agency. The recommendation shall include whether, in the opinion of the Development Board, the proposed action is consistent with or inconsistent with one or more of the goals and objectives of the LWRP and shall elaborate, in writing, the basis of its opinion;
 - (2) The Development Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with goals and objectives of the LWRP or to greater advance them; and
 - (3) In the event that the Development Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Village Development Board's recommendation.
- F. The agency shall make the determination of consistency based on the CAF, the Development Board's recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within seven days of the date for receipt of the Development Board's recommendation or within the time necessary to adequately review the action. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this section.
- G. Actions to be undertaken within the coastal area shall be evaluated for consistency with the goals and objectives of the LWRP, which are further explained and described in

Section III of the LWRP, a copy of which is on file in the offices of the Clerk and the offices of the Department of Community Development of the Village of Saranac Lake and is available for inspection during normal business hours. The following list of policies is meant as a source of reference only. All actions to be reviewed for consistency shall be consistent with the goals and objectives of the LWRP. The action shall be consistent with the policy to:

- (1) Revitalize deteriorated and underutilized waterfront areas;
- (2) Retain and promote recreational water-dependent uses;
- (3) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards;
- (4) Streamline development permit procedures;
- (5) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination;
- (6) Maintain and expand recreational fishing opportunities;
- (7) Minimize flooding and erosion hazards through nonstructural means, carefully selected, long-term structural measures and appropriate siting of structures;
- (8) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken;
- (9) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment;
- (10) Protect and restore historic and archeological resources;
- (11) Conserve and protect agricultural lands;
- (12) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts;
- (13) Prevent ice management practices which could damage significant fish and wildlife and their habitats;
- (14) Protect surface and groundwater from direct and indirect discharge of pollutants and from overuse;
- (15) Perform dredging and dredge spoil disposal in a manner protective of natural resources;
- (16) Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills;
- (17) Protect air quality; and
- (18) Protect freshwater wetlands.

H. Inconsistency with standards and conditions; written findings.

- (1) If the agency determines that the action would not be consistent with one or more of the LWRP goals and objectives, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:
 - (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP goals and objectives;
 - (b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP goals and objectives;
 - (c) The action will advance one or more of the other LWRP goals and objectives; and
 - (d) The action will result in an overriding Village, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP goals and objectives.

- (2) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the authorized official. Such files shall be made available for public inspection upon request.

ARTICLE XVI
Development Board

§ 106-108. Establishment; composition; training; removal from office.

- A. Pursuant to §§ 7-712 and 7-718 of the New York Village Law, the Board of Trustees shall appoint a Development Board consisting of five members. In doing so, the Board of Trustees shall designate its Chairperson and shall provide for such expenses as may be necessary and proper. In the absence of a Chairperson, the Development Board may designate a member to serve as acting Chairperson. A member of the Development Board shall not at the same time be a member of the Board of Trustees. The Board of Trustees shall have the power to remove any member of the Development Board for cause and after a public hearing.
- B. Members shall serve terms of five years. Expired terms shall continue through the annual meeting of the Board of Trustees, to ensure continuity of membership on the Development Board.
- C. If a vacancy occurs other than by the expiration of a term, it shall be filled by the Board of Trustees for the period of the unexpired term.

- D. Members of the Development Board shall be required to regularly attend regular and workshop Development Board meetings and to complete four hours of training annually as approved by the Director.
- E. The Board of Trustees shall not remove a member of the Development Board except for cause and only after public hearing before the Board. Failure to attend more than five regular and/or workshop meetings of the Development Board in one calendar year or to comply with minimum requirements related to training for members of the Development Board as set forth in § 106-108D herein shall constitute cause for removal. Nothing herein shall limit any other cause which may be grounds for removal.

§ 106-109. Conduct of business.

- A. The Development Board may adopt rules and regulations in respect to procedures before it and in respect to any subject matter over which it has jurisdiction under this code or any statute after public hearing by such Board and subject to the approval of this Board.
- B. The Development Board may employ such clerical or other staff or consulting assistance as may be necessary, provided that it shall not incur expenses beyond the amount of appropriations made available by the Village Board of Trustees for such purposes.
- C. All meetings of the Development Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Development Board shall be open to the public. The concurring vote of a majority of all members shall be necessary to take action on any matter before it.
- D. The Development Board shall keep minutes of its proceedings showing the vote of each member on every decision. If a member is absent or fails to vote, the minutes shall so indicate. Every rule and regulation, every amendment or repeal thereof, and every order, requirement, decision, interpretation, or determination of the Development Board shall immediately be filed in the office of the Village Clerk and shall be a public record.

§ 106-110. Powers and duties.

- A. The Development Board shall hear and exercise the following powers and duties:
 - (1) To prepare, review and recommend changes to the Zoning Map and this code;
 - (2) To make investigations and reports relative to the planning of the Village and its future growth and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population;
 - (3) To approve all plats showing any streets or highways within the Village;
 - (4) To approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office;

- (5) To recommend approval or disapproval of the laying out, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Village and highway laws;
 - (6) To review and make determinations on site plan and special use permit applications pursuant to Articles XI and XII, respectively, of this Part 2; and
 - (7) To hear and determine appeals of orders, requirements, decisions, interpretations or determinations and to determine requests for variances pursuant to this Article XVI.
- B. The Development Board shall also exercise all other powers conferred upon it by Village Law and this code and shall pass upon all matters which may be referred to it from time to time by resolution of the Board of Trustees. It shall conduct hearings and perform its duties in accordance with Article 7 of the Village Law and any amendments thereto.

§ 106-111. Filing of certificate with county clerks.

The Village Clerk of the Village shall file with the Clerk of the County of Essex and the County of Franklin a certificate, certifying that the Development Board of the Village has been authorized to approve plats showing new streets or highways in accordance with the provisions of Article 7 of Village Law.

§ 106-112. Alternate members.

- A. Alternate members of the Development Board may be appointed by the Board of Trustees and designated by the Chairperson of the Development Board in accordance with the provisions of this section when a regular member of the Development Board is unable to participate on an application or matter before the respective board as set forth herein.
- B. The Board of Trustees shall appoint two alternate members to the Development Board who shall serve for a term of five years. One alternate member shall be designated as the "first alternate Development Board member," and the other alternate member shall be designated as the "second alternate Development Board member." No more than two alternate members may serve at any time on the Development Board;
- C. The Chairperson of the Development Board may designate the first alternate Development Board member to substitute for a member of the Development Board when such member is unable to participate on an application or matter before the Board due to conflict of interest or other ethical consideration which results in a recusal of that Board member from acting on the particular application before the Board. If the first alternate Development Board member is unable or unwilling to act, the Chairperson shall designate the second alternate member to act.
- D. When designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board. Such designation shall be entered into the minutes of the initial Development Board meeting at which the substitution is made. The appointed alternate member shall participate as a member of the Development Board

with respect to the particular application only until final action has been taken on the particular application.

- E. All provisions of state and local laws relating to Development Board eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of Village Law or a local law relating to training, continuing education, compensation and attendance, shall apply to alternate members.

§ 106-113. Appeals from orders, requirements, decisions, interpretations or determinations.

- A. The Development Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination of the Director appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the Director. In so doing, the Development Board shall have all the powers of the Director from whose order, requirement, decision, interpretation, or determination the appeal is taken. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village, or by referral from the Development Board.
- B. Appeals shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Director by filing with such official and with the Development Board a notice of appeal specifying the grounds thereof and the relief sought. The Director from whom the appeal is taken shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

§ 106-114. Variances.

- A. An applicant for a variance must file an application with the Director in the the form prescribed by the Director. If the applicant is not the owner of the property, the application must be accompanied by a signed letter from the owner authorizing the applicant to apply for the variance.
- B. Each variance application shall refer to the specific provision of this code involved, shall specify the grounds for the variance requested, and shall contain the following information and documents:
- (1) The name and address of the applicant (both physical and mailing);
 - (2) The name and address of the owner of the lot to be affected by such appeal (both physical and mailing);
 - (3) A brief description and location of the lot to be affected by such appeal;
 - (4) A detailed project description;
 - (5) A copy of the deed for the project area;

- (6) Five copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot; and
 - (7) Other pertinent information requested by the Development Board (e.g., photos, restrictive covenants, septic system report, land survey, elevation views, storm water management plan, soil and erosion control plan, and/or a parking/lighting/utilities plan).
- C. The Director shall transmit to the Development Board all of the papers constituting the record of the variance application.
- D. Any variance which is not exercised by receipt of site plan approval, an approved special use permit, or issuance of building permit within one year of the date of variance approval shall automatically lapse without further hearing by the Development Board.
- E. Use variances.
- (1) The Development Board shall have the authority to grant a use variance consistent with § 7-712-b(2) of the Village Law and this code.
 - (2) No use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Development Board that, for each and every permitted use under this code for the district in which the applicant's property is located:
 - (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (d) The alleged hardship has not been self-created.
- F. The Development Board, in granting any use variance, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- G. Area variances.
- (1) The Development Board shall have the authority to grant an area variance consistent with § 7-712(b)(3) of the Village Law and this code;
 - (2) In making its determination whether to grant an area variance, the Development Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (c) Whether the requested area variance is substantial;
 - (d) Whether the requested area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the area variance.
- (3) The Development Board, in granting any area variances, shall grant the minimum variance that it deems necessary and adequate and at the same preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- H. Imposition of conditions. The Development Board shall, in granting use variances and area variances or appeals, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this code and shall be imposed for the purpose of minimizing any adverse impact the variance or appeal may have on the neighborhood or community.

§ 106-115. Procedures.

- A. Upon the filing of a notice of appeal or a variance application with the Director as required by this article, a public hearing by the Development Board on such appeal or variance request shall be scheduled.
- B. Hearing and public notice.
- (1) Notice of the public hearing shall be provided in accordance with Part 1, § 106-20. In addition, the Development Board shall provide notice of the hearing to the Development Board and the Essex County Planning Board, as applicable.
 - (2) At the hearing, any party may appear in person or by agent or by attorney.
 - (3) The Development Board may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal.
- C. Action.
- (1) In acting on an appeal, the Development Board may, in conformity with the provisions of this code, reverse, affirm, or modify, wholly or in part, the order,

requirement, decision, or determination of the Director in accordance with the provisions of this code.

- (2) In acting on a variance application, the Development Board may deny, grant, or grant with conditions a variance from the specific provision(s) of the Code involved in the application.
 - (3) Any such action shall be decided within 62 days after the final hearing.
 - (4) Every decision of the Development Board shall be approved by vote of a majority of the members by resolution which contains a full record of the findings of the Development Board in the case.
- D. Filing. Every order, requirement, decision, interpretation, or determination of the Development Board shall be filed immediately in the office of the Village Clerk, and shall be a public record.
- E. Rehearing and review of prior decisions. Upon motion initiated by any member and adopted by the unanimous vote of the members present, the Development Board shall review, at a rehearing held upon notice given as upon an original hearing, any order, requirement, decision, interpretation, or determination of the Development Board not previously reviewed. Upon such rehearing, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, requirement, decision, interpretation, or determination reviewed will not be prejudiced thereby, the Development Board may, upon the concurring vote of all the members then present, reverse, modify, or annul its original order, requirement, decision, interpretation, or determination.
- F. Expiration of appeal decision. Unless otherwise specified by the Development Board, a decision on any appeal shall expire if the appellant fails to obtain any necessary project permit within six months of the date of such decision.
- G. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director certifies for the Development Board, after the notice of appeal has been filed, that such a stay of proceedings would, in his or her opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall not be stayed except by a restraining order granted by the Development Board or by the Supreme Court on application, on notice to the Zoning Inspector for due cause shown.

§ 106-116. Grant of variance or appeal.

The grant of a variance or an appeal shall serve as authorization for the Director to issue a building permit, provided that the project complies with all applicable provisions of this code, conditions of approved site plan or special use permits and other applicable regulations.

Part 3
Subdivision of Land

ARTICLE XVII
Subdivision Regulations

§ 106-117. Applicability; combining lots; lot line adjustment.

Criteria for determining whether or not the division of a lot constitutes a subdivision, and is thereby subject to the Village of Saranac Lake Subdivision Regulations herein, shall be as follows:

- A. If, after the original lot is subdivided, two or more separate lots exist, then said resulting lots would be considered a subdivision and are subject to the requirements of these regulations.
- B. Landlocked resulting lots. Any proposed subdivision of land lot that does not have frontage on a Village, county or state road is not permitted.
- C. Combining of lots. Combining of lawfully existing lots is permissible without Development Board review, provided that the resulting lot size, lot frontage and building locations in relationship to lot lines comply with all the requirements of this code. Therefore, prior to the combining of lawfully existing lots, a review by the Director as specified in Part 1, Article III, of this code is required.
- D. Lot line adjustment.
 - (1) Lot line adjustments of lawfully preexisting lots that predate the requirements of subdivision approval by the Development Board are permissible without Development Board review, provided that the resulting lot configurations, lot sizes, lot frontages and building locations in relationship to lot lines comply with all the requirements of this code. Therefore, prior to adjusting a lawfully preexisting lot line, a review by the Director as specified in Part 1, Article III, of this code is required.
 - (2) Lot line adjustments of lawfully existing lots that were approved by the Development Board require review and approval by the Development Board prior to filing with the County Real Property Tax Office.

§ 106-118. Compliance with zoning requirements.

All new lots created in the Village of Saranac Lake shall meet all requirements of area, setbacks and frontage of this code. Except when existing lots or portions of existing lots are combined and existing buildings do not currently meet the setback requirements, the preexisting nonconforming status of said setbacks shall remain on the new lot.

§ 106-119. Review required prior to sale or construction.

When any subdivision of land is proposed to be made within the Village, and before any contract for the sale of or any offer to sell such subdivided land or any part thereof is made, and before any construction is begun and before any building permit shall be granted, subdivision review and approval is required from the Development Board.

§ 106-120. Administrative review.

- A. The applicant/owner is encouraged to meet with the Director to discuss a conceptual subdivision plan.
- B. The administrative review is intended to assist the applicant/owner by providing an informal review of the proposed subdivision in relation to this code and SEQR. Additionally, the review is an opportunity for the applicant/owner to become familiar with the requirements of the Village as they relate to the proper and lawful subdivision of land and the review procedures associated with the subdivision process. At the administrative review meeting the Director shall communicate initial observations regarding the subdivision and the level of compliance with this code.
- C. The Director shall also review the time frames and submission requirements for formal review by the Development Board and may provide guidance as to optimal methods to condense the review time frame. The review conducted is also an opportunity to identify potential jurisdictions of other involved agencies.

§ 106-121. Minor subdivisions.

- A. Minor subdivision review procedure.
 - (1) The review of minor subdivisions must be conducted in a manner that is consistent with the Local Waterfront Consistency Review section of this code. (See Part 2, Article XV.)
 - (2) In consideration of the limited scope of minor subdivisions, a one-step review procedure is required.
 - (3) The submission of a complete minor subdivision application requires the following:
 - (a) In accordance with § 7-728 of Village Law, the applicant/owner shall present a submission for minor subdivision at a Development Board meeting. The date of the minor subdivision application submission shall be the date of the meeting at which it is presented;
 - (b) The minor subdivision application as filed shall consist of six full-size copies and one electronic copy, in portable document format (PDF), of the preliminary plat submission and shall include the following:

- [1] All existing and proposed property lines, building setback lines, easements and ROW lines, with dimensions, azimuths or angle data and curve data;
- [2] A plat, to a scale not smaller than 50 feet to the inch, drawn accurately to scale. All building lots, existing and proposed, shall be shown on the plan;
- [3] A grading plan showing the existing and proposed grades with positive drainage away from all structures. Limits of clearing shall also be shown;
- [4] All monuments, iron pipes and bench marks;
- [5] The names of the owners of all adjacent properties;
- [6] Existing street names;
- [7] All property (if any) reserved by the applicant/owner or dedicated to public use;
- [8] A house number for each lot, which shall also be the lot number;
- [9] A North arrow;
- [10] A standard titles block;
- [11] A map key;
- [12] The proposed use of each lot;
- [13] Contour lines at two-foot intervals to United States Geological Survey datum;
- [14] Watercourses, marshes, rock outcrops and other important land features;
- [15] Sanitary sewer laterals, storm drains, gas lines and water laterals with all accessory structures, as required by the Development Board;
- [16] Standards of accuracy in meeting Village of Saranac Lake Subdivision Regulations shall be noted on the map and the signature and seal of a professional engineer registered in New York State or a qualified land surveyor under § 7208-n of the Education Law of the State of New York;
- [17] All contiguous land owned or under option by the applicant/owner shall be shown;
- [18] Percolation test results, soil-boring data and subsurface information. The Village's Engineer(s), Code Enforcement Officer, or other qualified inspector approved by the Director shall be present to witness the digging of test holes;

- [19] Water elevations and subsurface information, including groundwater elevation, shall be noted where appropriate;
- [20] All sheets shall be of a standard ANSI dimensions but shall not be less than 11 inches by 17 inches. When more than one sheet is required, all shall be the same size and an overall plan of the same size shall be provided showing the entire subdivision and utilities at a smaller scale;
- [21] Request for any zoning changes proposed for the area to be subdivided;
- [22] A draft of any protective covenants whereby the applicant/owner proposes to regulate land use in the subdivision and otherwise protect the proposed development;
- [23] A stormwater pollution prevention plan (SWPPP) consistent with the requirements of this code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part 4, Article XVIII;
- [24] A complete Part 1 of a short form EAF as per SEQR is required;
- [25] For a subdivision involving a waterfront area, a completed waterfront assessment form (WAF) as per the LWRP consistency review set forth in Part 2, Article XV, of this code; and
- [26] More detailed information as may be required by the Development Board.

B. Minor subdivision review.

- (1) A site visit by the Board with the applicant/owner may be scheduled at a mutually convenient date and time. Temporary stakes showing proposed lot corners or other markings may be requested as a means to orient Board members when they visit the site.
- (2) Public hearing and notice: The Development Board shall fix a reasonable time and place for a public hearing on any subdivision application for the minor subdivision if it deems such action would be in the public interest. Notice of the public hearing shall be provided in accordance with Part 1, § 106-20.
- (3) The Board shall render a decision within 45 days after the public hearing and issue a notice of decision. The Board shall approve, approve with conditions or disapprove the proposed plat. If the minor subdivision is approved with conditions, the Board shall state specific conditions or modifications that will be required prior to signature of the plat by the Development Board Chairperson. The reasons for any conditions and modifications shall be stated in writing. The time in which the Development Board must take action on such plat may be extended by mutual consent of the applicant/owner and the Development Board. Within five days of the approval or approval with conditions of the plat, it shall be certified by the Chairperson of the Development Board as granted approval and a certified copy mailed to the applicant/owner along with the notice of decision.

- (4) If the submission for minor subdivision is disapproved, the Board shall state the reasons for its disapproval and mail a copy of the notice of decision to the applicant/owner within five days of the decision of the Development Board.
- (5) The action of the Board shall be noted in two copies of the notice of decision, to which shall be attached reference statements of any conditions and requirements determined by the Board. One copy shall be returned to the applicant/owner and the other retained by the Village.
- (6) If the submission for minor subdivision is disapproved, resubmissions may be made within six months of the decision with no additional fees required. A resubmission made after six months from the date of disapproval shall be treated as a new submission and is subject to all applicable fees.

§ 106-122. Major subdivisions.

A. Review procedure for major subdivisions.

- (1) The review procedure for major subdivisions shall begin with a calculation of density and open space requirements followed by a three-step application and review process as described below.
- (2) The review of major subdivisions must be conducted in a manner that is consistent with the Local Waterfront Consistency Review of this code. (See Part 2, Article XV.)

B. Purpose and intent. The purpose of this section is to implement the recommendations in the Comprehensive Plan and the goals and objectives of the Village LWRP. This section specifies the design requirements and review and approval process for developments while preserving open land, reducing sprawl, enhancing visual character, and conserving environmental resources. These regulations shall be used as a tool to effectively manage parcel growth in a manner that preserves the Village's character, quality of life, and natural resources. The major subdivision regulations are based upon conservation design as a required technique for subdivisions involving more than four lots.

C. Development Board review authority. Review and permit authority is through the Development Board.

D. Waiver. The Development Board may waive the design requirements in cases where there are minimal environmental constraints, including DEC, APA or the United States Army Corps of Engineers (ACOE) wetlands, hydric soils or soils with high water tables, DEC-classified streams, slopes greater than 15%, known ecologically sensitive habitats, and where there are no lands with other open space value as determined by the Development Board. If the Development Board determines that the following design requirements are impractical, unfeasible or do not meet the objectives of this section, the Board may waive, through written findings, any further review required by this section;

E. Procedure. The Development Board shall review applications for major subdivisions according to the following steps and procedures. In certain instances where the Development Board deems that the application, or any aspect thereof, requires

third-party, professional services to assist the reviewing board, said Board may require, as part of the fee, a deposit to an escrow account in an amount sufficient to reimburse the Village for reasonably estimated costs of a consultant to be retained by the reviewing board in order to assist the board in reviewing the application in accordance with Part 1, § 106-18B.

F. Step 1:

(1) Conceptual review and submittal requirements.

- (a) Prior to the development of a preliminary plat, the applicant/owner shall meet with the Development Board to discuss the proposed project. The focus of this review is to determine the location and extent of the area most suitable for open space and, secondarily, what area is suitable for the subdivision of lots. The conceptual plat shall include:

- [1] Site context map, which illustrates the lot in relation to its adjacent neighborhoods. This map should be to scale and show various kinds of major natural resource areas or features, particularly if they cross lot lines or adjoining lands;
- [2] Site analysis map, which locates and describes noteworthy resources that should be protected. This map identifies topography, boundaries, intended density and the location of special resources and features. Special resources and features include wetlands and steep slopes greater than 15%, mature woodlands, hedgerows, farmland, unique or special wildlife habitats, historic, archeological or cultural features, vistas, unusual geologic formations, and scenic views onto and off of the lot. Water bodies, significant or endangered plant life (where readily definable), and general soil composition should also be identified on the site analysis map. Site context and analysis maps may be combined. All maps should be provided at a scale from one inch equals 100 feet to one inch equals 200 feet;
- [3] Alternative layout(s) for the proposed development; and
- [4] A narrative describing how the conceptual plat meets the intent of this section as stated in § 106-122B, Purpose and intent.

- (b) Development Board review. The Development Board shall review the conceptual plat for consistency with the intent of this section and the goals and objectives of the Village LWRP and shall provide written comments to the applicant/owner.

(2) Additional review criteria for subdivisions seeking a cluster development.

- (a) A cluster development shall not result in an increase in the permitted number of building lots or dwelling units that could be permitted, in the Development Board's judgment, if the land were subdivided into lots conforming to the minimum lot size, setback requirements and density requirements of the

Village's Zoning Law.³⁵ However, where a proposed subdivision falls within two or more contiguous zoning districts, the Development Board may approve a cluster development representing the cumulative density of all units allowed in the districts and may authorize any actual construction to take place in all or any portion of one or more of such districts.

- (b) As a condition of plat approval, the Development Board may establish any conditions on the ownership, use and maintenance of open space areas or lands shown on the plat map, in order to assure the preservation of the natural and scenic qualities of such open lands, and to assure that they remain permanently dedicated as open space areas free from development.
 - (c) A cluster development may be located in any zoning district where residential uses are allowed as listed in Schedule 1, Allowed Uses, of this code.³⁶ A parcel proposed for multiple family dwellings must be located in a zoning district that permits such use.
 - (d) A parcel that is the subject of a cluster development application shall be large enough to reasonably accommodate the building lots or buildings proposed for such use and to provide open space land of a reasonable size and use.
- (3) Additional procedural requirements for subdivisions seeking a cluster development.
- (a) In addition to other application materials required by these regulations, an application for a cluster development shall show the proposed open space(s) and their uses. The application shall include a description of the ultimate proposed ownership and maintenance of the open space areas.
 - (b) If a cluster development includes multiple-family dwellings, either as a part of the proposal or the entire proposal, the applicant shall submit a site plan that shows the open space areas; building locations; building elevations; and driveways, streets and parking areas. A landscaping plan is also required.
 - (c) All cluster developments shall contain open space that is equivalent in area to the total reduction in lot size.
 - (d) The open space may be publicly or privately owned.
 - (e) If the open space is offered for dedication to the Village of Saranac Lake, the Village Board of Trustees shall decide whether or not to accept the open space dedication. In making its determination, the Board shall consider the intended use of the land, the size and location of the land, the availability of the open space to the public, and the cost of development and/or maintenance of such open space.

35. Editor's Note: See Part 2, Zoning, of this chapter.

36. Editor's Note: Schedule 1 is included as an attachment to this chapter.

- (f) If the open space is owned by a homeowners' association or some other entity, the Planning Board, at its discretion, may impose further restrictions in furtherance of the purpose for cluster development.
 - (g) The open space may be used for active or passive recreation or to preserve significant scenic or natural features of the site.
 - (h) The usability of open space intended for a recreational or public use shall be determined by the size, shape, topography, and location of the open space in relation to the particular use proposed for that site.
 - (i) Open space intended for a recreational or public use shall be easily accessible.
 - (j) Open space may include significant natural features, such as, but not limited to, stream beds, floodplains, significant stands of trees, scenic vistas, and rock outcroppings.
- (4) Additional review procedure and criteria for subdivisions seeking to utilize incentive zoning.
- (a) An administrative review as provided in Part 3, § 106-120, is strongly encouraged prior to the submission of an application for incentive zoning.
 - (b) An application for incentive zoning shall be made be at Step 1, Conceptual review, as provided for in Part 3, § 106-122F(1). In addition to the specified requirements for a Step 1 submission, an application for incentive zoning will include the following information:
 - [1] A concept plan showing the site developed to its fullest extent under the conventional provisions of this code;
 - [2] A concept plan showing the connection points to the Village water and sewer system;
 - [3] An alternative concept plan showing the site developed in a manner that incorporates the desired incentive and amenities to be provided;
 - [4] A narrative which describes the benefits to be provided to the community by the proposed amenities;
 - [5] A narrative which provides a preliminary indication that there is adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity may place on these facilities beyond the demand on them as if the site were developed to its fullest extent under the regulations in this code;
 - [6] A narrative which explains how the amenity helps implement the vision and policies of the Comprehensive Plan and the goals and objectives of the Village LWRP;

- [7] A narrative which describes, in detail, the requested incentive(s), including a description of the incentive requested in Part 1 of the environmental assessment form (EAF); and
 - [8] For a subdivision involving a waterfront area, a completed waterfront assessment form (WAF) as per the LWRP consistency review set forth in Article XV of this code.
- (c) Review. The Development Board shall use the following criteria in its review of the amenities offered:
- [1] The adequacy of the proposed connection to the Village water and sewer system and the capacity of the system to provide the water requested and to collect and treat the anticipated wastewater from the proposed development;
 - [2] The suitability of the site(s) for the type of open space preservation proposed, the physical characteristics of the land and the relation of the proposed development to surrounding existing and probable future development;
 - [3] That the proposal is conceptually sound, is consistent with the Comprehensive Plan, the Village 2012 Bicycle, Pedestrian and Trail Master Plan, and goals and objectives of the Village LWRP, and meets local and area-wide needs;
 - [4] Verification that the area in which the proposal is to be located has adequate transportation and fire-protection facilities to serve; and
 - [5] The remaining vacant land on the site as though it were developed to its fullest potential under the zoning regulations in effect at the time of the amenity/incentive proposal.
- (d) In order to approve an incentive proposal, the Village Development Board shall determine that the requirements of SEQR have been met and the proposed amenity provides sufficient benefit to the residents of the Village. Thereafter, the Village Development Board is authorized to act on an application for approval pursuant to this section.
- (e) The Village Development Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
- (f) Upon a favorable decision of the Village Development Board, an application shall be submitted for Step 2, Preliminary plat review, as provided in Part 3, § 106-122G, and pursuant to the applicable provisions of this code. Failure to submit the application to the Development Board within six months of approval shall render any incentive zoning granted hereunder null and void unless extended by resolution of the Village Development Board for a maximum of six additional months.

G. Step 2:

- (1) Preliminary submittal requirements. The preliminary plat is a formalization of the conceptual design and involves submission of information that shall be completed by a certified professional. The submission of a complete preliminary plat application requires the following:
 - (a) A completed Village of Saranac Lake preliminary plat application form, including seven hard copies and one electronic copy in portable document format (PDF);
 - (b) A preliminary plat to a scale not smaller than 50 feet to the inch, drawn accurately to scale, with approximate dimensions shown, and including all the information required for a final plat, except monuments and iron pipes and the certification of standards of accuracy;
 - (c) Request for any zoning changes proposed for the area to be subdivided;
 - (d) A complete Part 1 of an EAF as per SEQR. A short form EAF or full EAF shall be required depending upon the type of SEQR action involved;
 - (e) Conditions of dedication of any areas proposed to be dedicated to public use and the areas so marked and delineated on the plat;
 - (f) Verification of the extent of the lands regulated by law. Graphically represent the limitations imposed by this regulation identified in the site analysis map;
 - (g) Identification of dedicated open space areas as agreed upon during the conceptual review, including proposed improvements such as trails. Also identify the intended plan for the ownership, use and maintenance of the dedicated open space;
 - (h) Location of housing sites in a manner that meets the intent of this section plus delineates the private yards and shared amenities so as to provide a rational integrated community;
 - (i) Positioning of property lines so that no property has less than the required minimum lot sizes listed in Schedule 2, Dimensional Standards;³⁷
 - (j) All existing and proposed property lines, building setback lines, easements and ROW lines with dimensions, azimuths or angle data and curve data;
 - (k) All monuments, iron pipes and bench marks;
 - (l) The names of the owners of all adjacent properties;
 - (m) Street name and signs. An indication as to the proposed location of signs approvable by the Village Department of Public Works. In addition, streets or other major public or private improvements planned for future construction on or near the proposed subdivision;

37. Editor's Note: Schedule 2 is included as an attachment to this chapter.

- (n) Alignment of streets and community pathways to adequately connect the previously established residential sites;
- (o) All property reserved by the applicant/owner or dedicated to public use;
- (p) A house number for each lot, which shall also be the lot number;
- (q) A North arrow;
- (r) A standard titles block;
- (s) A map key;
- (t) The proposed use of each lot;
- (u) Standards of accuracy meeting Village of Saranac Lake Subdivision Regulations shall be noted on the map;
- (v) Contour lines at two-foot intervals to United States Geological Survey datum;
- (w) Watercourses, marshes, rock outcrops and other important land features;
- (x) ROW lines, street paving and street stationing;
- (y) Sewer and water connections, streets, sidewalks and stormwater control measures must meet the Village standards. When planning for stormwater control measures, the Village may require access to certain areas of the dedicated open space;
- (z) All contiguous land owned or under option by the applicant/owner shall be shown with percolation tests, soilboring data and subsurface information. The Village's Engineer(s) and/or Building Inspector shall be present to witness the digging of test holes;
- (aa) Water elevations and subsurface information, including groundwater elevation, shall be noted where appropriate;
- (bb) All sheets shall not exceed 30 inches by 42 inches and shall not be less than 11 inches by 17 inches. When more than one sheet is required, all shall be the same size and an overall plan of the same size shall be provided showing the entire subdivision and utilities at a smaller scale;
- (cc) If applicable, preliminary designs of bridges and culverts (final designs if construction is to proceed final review);
- (dd) If applicable, a draft of any protective covenants whereby the applicant/owner proposes to regulate land use in the subdivision and otherwise protect the proposed development;
- (ee) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of this code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Part 4, Article XVIII; and

(ff) More detailed information as may be required by the Development Board as a part of the preliminary submission in special cases.

(2) Preliminary plat review.

- (a) In accordance with § 7-728 of Village Law, the applicant/owner shall present a preliminary submission at a Development Board meeting. The date of the preliminary submission shall be the date of the meeting at which it is presented.
- (b) A field walk by the Board with the applicant/owner may be scheduled at a mutually convenient date and time. Temporary stakes showing street center lines may be requested as a means to orient Board members when they visit the site.
- (c) The Board shall hold a public hearing on the proposed subdivision within 45 days of the date of the preliminary submission. Notice of the public hearing shall be provided in accordance with Part 1, § 106-20.
- (d) The Board shall communicate to the applicant/owner, in writing, within 45 days after the public hearing, its decision concerning the preliminary submission. If the preliminary submission is approved, the Board shall express its approval as conditional approval and state specific modifications, if any, which shall be required in the final submission. If modifications are required, the reasons therefor shall be given. The time in which the Development Board must take action on such plat may be extended by mutual consent of the applicant/owner and the Development Board. Within five days of the approval of the preliminary plat, it shall be certified by the Chairperson of the Development Board as granted preliminary approval and a certified copy mailed to the applicant/owner.
- (e) If the preliminary submission is disapproved, the Board shall state the reasons for its disapproval.
- (f) The action of the Board shall be noted in two copies of the resolution of decision, to which shall be attached reference statements of any conditions and requirements determined by the Board. One copy shall be returned to the applicant/owner and the other retained by the Board.
- (g) If the preliminary submission is disapproved, resubmissions may be made with no additional fees required. A resubmission made after six months from the date of disapproval may be treated like a new submission. No additional application fee shall be required.

H. Step 3:

- (1) Final plat submission requirements. The final plat is the concluding step in the major subdivision review process and shall also be completed by a certified professional. The submission of a complete final plat submission requires the following:

- (a) A completed final subdivision application form consisting of one copy drawn in ink on Mylar or black-line prints on reproducible permanent material acceptable to the Board, six hard copies and one electronic copy in portable document format (PDF), to a scale not smaller than 50 feet to the inch;
- (b) All existing and proposed property lines, building setback lines, easements and ROW lines with dimensions, azimuths or angle data and curve data;
- (c) All monuments, iron pipes and bench marks;
- (d) The names of the owners of all adjacent properties;
- (e) Street names, existing and proposed;
- (f) All property reserved by the applicant/owner or dedicated to public use;
- (g) A house number for each lot, which shall also be the lot number;
- (h) A North arrow;
- (i) A standard title block;
- (j) A map key;
- (k) The proposed use of each lot;
- (l) Standards of accuracy meeting Village of Saranac Lake Subdivision Regulations shall be noted on the map and the signature and seal of a professional engineer registered in New York State or a qualified land surveyor under § 7208-n of the Education Law of the State of New York;
- (m) Contour lines at two-foot intervals to United States Geological Survey datum;
- (n) Watercourses, marshes, rock outcrops and other important land features;
- (o) ROW lines, street paving and street stationing;
- (p) Sanitary sewers, storm drains, gas lines and water lines with all accessory structures, as required by the Development Board, and a certificate of adequacy of the proposed water supply and sewerage services as required by the Department of Health and/or the Environmental Conservation Department of the State of New York and the Village of Saranac Lake;
- (q) Street name signs. A letter of intent to install signs in locations approved by the Village may be accepted as a substitute;
- (r) A plan/profile of each street and utility easement, including one copy drawn in ink on Mylar or black line prints on reproducible permanent material acceptable to the Board, plus five prints, with a horizontal scale of not less than 50 feet to the inch and a vertical scale of not less than five feet to the inch, showing the following:

- [1] All pavement, storm drains, sanitary sewers, gas lines and water lines with all appurtenances, as required by the Development Board;
 - [2] Pavement and utility stationing, including all horizontal and vertical control point and grades;
 - [3] The signature and seal of a professional engineer registered in New York State or a qualified land surveyor under § 7208-n of the Education Law;
 - [4] A North arrow; and
 - [5] A standard title block.
- (s) All lettering shall be neat and legible;
- (t) All sheets shall be of a standard ANSI dimensions but shall not be less than 11 inches by 17 inches. When more than one layout sheet is required, all shall be the same size and an index sheet of the same size shall be provided, showing the entire subdivision to an appropriate scale; and
- (u) In addition to the required drawings, the following documents shall be submitted as part of the final a submission:
- [1] A deed description and proof of applicant/ownership of the land to be subdivided;
 - [2] A listing of protective covenants in a form for recording, including covenants governing the maintenance of unceded public spaces or reservations;
 - [3] The final design of bridges and culverts, unless included in preliminary plat;
 - [4] Such other certificates, affidavits, endorsements or agreements as may be required by the Development Board in the enforcement of these regulations;
 - [5] A stormwater pollution prevention plan (SWPPP) consistent with Part 4, Article XVIII, of this code; and
 - [6] More detailed information may be required by the Development Board.

I. Final plat review.

- (1) The applicant/owner shall submit an application for final plat approval to the Development Board within six months of the date of preliminary plat approval or conditional approval.
- (2) In the event that a final submission of the entire subdivision or part of it is not made within six months from the date of the preliminary plat approval, the application may be considered withdrawn and any approval or waivers of required improvements by the Board may be considered lapsed.

- (3) The date of the final plat submission shall be the date of the meeting at which it is presented.
- (4) The final plat submission shall conform to the approved preliminary plat and shall conform to any conditions and contain any modifications required by the Board.
- (5) Dimensional requirements. All subdivided lots shall conform to the dimensional requirements for the district or subdistrict in which they are to be located. (See Schedule 2, Dimensional Standards.)³⁸
- (6) Within 62 days from the date of final plat submission as defined above, the Board shall approve, modify and approve, grant conditional approval, or disapprove the final plat and issue a notice of decision that shall be mailed to the applicant/owner.
- (7) If the final submission is approved by the Board, an appropriate notation to that effect shall be made of the fact on the original Mylar of the final plat submitted to the Board.
- (8) The applicant/owner shall file the approved final plat with the office of the County Clerk within 62 days after approval by the Board. If the final plat is not filed within this time, the approval shall expire, as provided in § 7-728 of Village Law.
- (9) The applicant/owner may obtain building permits and begin building construction only after filing of the final plat in the office of the County Clerk.
- (10) If the final submission is disapproved, resubmissions may be made within six months with no additional fee required. A resubmission made six months or after from the date of disapproval will be treated like a new submission with an application fee required.
- (11) Consultation with other agencies and officials. The Development Board may consult with the Village Manager, Village Code Enforcement Officer, Fire Chief, Parks and Trails Advisory Board, Village Department of Public Works Superintendent, Village Engineer and/or designated engineering consultants for the Village, other local and county officials, the New York State Departments of Health (DOH), Environmental Conservation (DEC), Transportation (DOT) and Adirondack Park Agency (APA).

§ 106-123. Design standards.

The following design standards shall apply to all major subdivision designs and shall govern the development and design process:

- A. Any dedicated open space, unless conveyed to the Village, shall include standard language for access easements.

38. Editor's Note: Schedule 2 is included as an attachment to this chapter.

- B. The dedicated open space shall be perpetually preserved exclusively for the purposes set forth herein and maintained in a manner which will ensure its suitability for its intended purposes.
- C. Dedicated open space shall be contiguous where practicable and possible. Contiguous shall be defined as being connected. These areas should, if possible, form a continuous whole that ties together with similar areas on similar sites, creating the potential for a network of green space extending throughout the community. Dedicated open space will still be considered connected if a roadway or an accessory amenity separates it. The Development Board may waive this requirement for all or part of the required areas where it is determined that allowing noncontiguous dedicated open space will promote the goals of this article.
- D. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the adjacent neighboring areas. The orientation of individual building sites will be designed to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as flexible elements that can be changed to follow a preferred development scheme.
- E. Multi-modal transportation infrastructure and drainage facilities shall be designed and located in such a manner as to achieve, to the extent practicable, the elements of "complete streets"; maintain and preserve natural topography, significant landmarks, and trees; minimize cut and fill; and preserve and enhance views and vistas on or off the subject lot. The location of stockpiles of demolition debris, fill material, topsoil, etc., shall be identified. Ownership of stormwater control facilities such as detention areas will be at the discretion of the Board of Trustees. Ownership shall be determined prior to final plat approval and noted on the final plat.
- F. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- G. The conservation subdivision design should be separated from neighboring development by a visual buffer consisting of natural and landscaped material, as determined by the Development Board.
- H. Pedestrian and bicycle accommodations and trails shall, to the maximum extent practical, incorporate the recommendations of the Village's 2012 Bicycle, Pedestrian and Trail Master Plan and link residences with parking areas, recreation facilities (including parkland and public open space) and adjacent land uses where appropriate or in accordance with any other adopted Village planning document.
- I. Ownership, use and maintenance of regulated lands and dedicated open space areas shall occur under one or more of the following conditions:
- (1) Through a lawfully configured homeowners' association (HOA) and required to be reviewed by and filed with the Village;

- (2) On individual lots, with deed restrictions or conservation easements;
- (3) Conveyed to a private or public land trust or government entity;
- (4) Conveyed to the Village for passive or active recreational use, public facilities, infrastructure, or other such uses as determined by the Village. The implementation of this option requires approval by the Village Board of Trustees;
- (5) The Board of Trustees shall be consulted to determine the interest of the Village prior to conceptual approval. The Village's implementation of this section may be in the form of an easement, regulation, restriction, or fee ownership of land;
- (6) Land identified in the open space, recreation and pathways plan as valuable open space that is offered by the developer to the Village shall receive a ten-percent density bonus;
- (7) Dedicated open space areas can be used for wastewater and stormwater management and a mix of activities such as wildlife habitat and conservation, historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes; and/or
- (8) If the open space is to be owned and maintained by an HOA, it is the intent of the conservation subdivision design that the HOA own and maintain more uses than open space lands and stormwater drainage systems. The Development Board will review what the HOA owns and maintains. Possible ownership considerations will be, but are not limited to, sidewalks, lighting, roadways, accessory buildings, recreational facilities and equipment, stormwater structures, utility components, etc.

J. Access drives.

- (1) Driveways accessing individual lots shall be kept to the minimum width practicable.
- (2) Driveways accessing lots are encouraged to be shared to reduce the number of access points to the public ROW.
- (3) Driveways shall approach the public ROW at a ninety-degree angle to the extent practicable.
- (4) Driveways shall provide turnarounds which facilitate forward entry of vehicles onto the public ROW where practicable.

§ 106-124. Additional improvements.

The standards and specifications for single-family residential subdivisions are contained in these regulations. Additional improvements or improvements meeting more stringent standards and specifications may be required by the Development Board for multifamily dwellings and commercial and industrial subdivisions.

A. Street layout.

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas.
- (2) Conform to a plan for the neighborhood approved or adopted by the Development Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or undesirable.
- (3) All subdivision of lots in excess of 20 dwelling units containing a street more than 1,000 feet in length shall have two means of access.
- (4) Local streets shall be designed so that their use by through traffic shall be discouraged. However, the use of dead-end streets is discouraged.
- (5) Where a subdivision abuts or contains a railroad ROW or controlled access highway ROW, the Development Board may require a street approximately parallel to and on each side of such ROW at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (6) The Development Board shall require that street names be approved by the appropriate County Highway Department or the Village Department of Public Works (DPW) to avoid duplications or use of similarly sounding or spelled names.
- (7) Public access shall be provided to streets, water plants, sewage disposal plants or to other land dedicated or to be dedicated to public use.
- (8) Where a subdivision is traversed by a watercourse, there shall be a stormwater easement not less than 50 feet in width conforming substantially with the lines of such watercourse and such further width or construction, or both, as shall be adequate to confine a design storm as specified in the subdivision storm drainage design standards of this code.

B. Blocks and lots.

- (1) The lengths, widths and shapes of blocks and lots shall be determined with due regard to:
 - (a) Zoning requirements;
 - (b) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (c) The need for convenient access, circulation, control and safety of street traffic;
 - (d) Limitations and opportunities of topography;

- (e) Block length, which shall generally not exceed 600 feet. Where blocks must exceed 600 feet due to topographical or other constraints, a pedestrian walk shall be provided in accordance with § 106-124B(1)(f); and
 - (f) The need for pedestrian walks not less than 10 feet in width, property line to property line, which shall be required for blocks over 600 feet long or where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities or to implement a bicycle or pedestrian trail network.
- (2) Land subject to flooding shall not be platted for residential occupancy or for such other uses as may increase danger to life or property or aggravate the flood hazard.
 - (3) The subdividing of the land shall be such as to provide that each lot abuts a public street which provides satisfactory access via streets to an existing public street or highway.
 - (4) Double-frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or other disadvantageous uses or to overcome specific disadvantages of topography and orientation.
 - (5) Side lot lines shall be substantially at right angles.
 - (6) In case a tract is subdivided into larger lots than normal building lots, such lots shall be arranged so as to allow the opening of future streets and logical further subdivision.
- C. Lot/building numbering.
- (1) Developers are required to use a house numbering system required by Essex and Franklin County 911 services.
 - (2) Numbering of lots shall be in accordance with United States Post Office guidelines.
- D. All new subdivisions shall be required to contain a thirty-foot easement to facilitate access to drainage systems by the Village DPW.

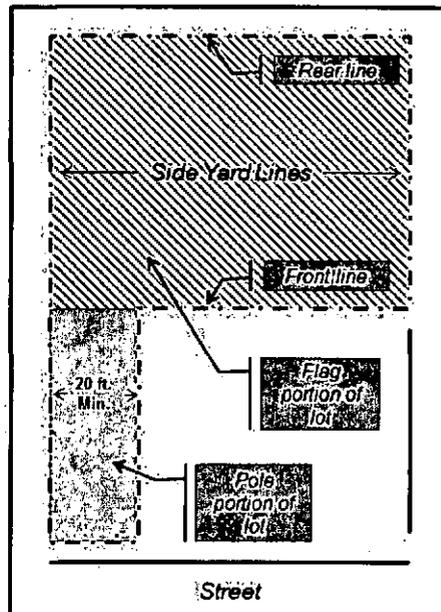
§ 106-125. Special lot regulations.

- A. Purpose. The purpose of these regulations is to provide proper guidance regarding development on lots in nonconventional locations (i.e., on street corners or along shorelines) or which are of an irregular shape (i.e., flag lots).
- B. Lots bounded by two roads or road and shoreline. The definitions of front, rear and side yard notwithstanding, where a lot is bounded by two roads or a road and a shoreline, any front yard or setback requirements set forth in this article shall be met on both such boundaries. Either areas or sides of the lot adjacent to each road or shoreline shall be considered front yards, and the dimensional requirements for front yards shall apply. The remaining areas shall be considered side yards, and the dimensional requirements for side

yards shall apply. The lot will be treated as if it has no rear yard, but only front and side yards, for zoning compliance purposes.

C. Flag lots. Flag lots result from subdivision of land that seeks to maximize the number of lots along a ROW by minimizing actual frontage of the lots on the ROW. The following regulations are intended to guide basic principles of determining lot yards and lot measurements on such lots:

- (1) Flag lots provide a "pole" that functions primarily as an accessway from the street to the main body ("flag" portion) of the lot. Private access easements shall not be allowed. See the Flag Lot Components figure below:

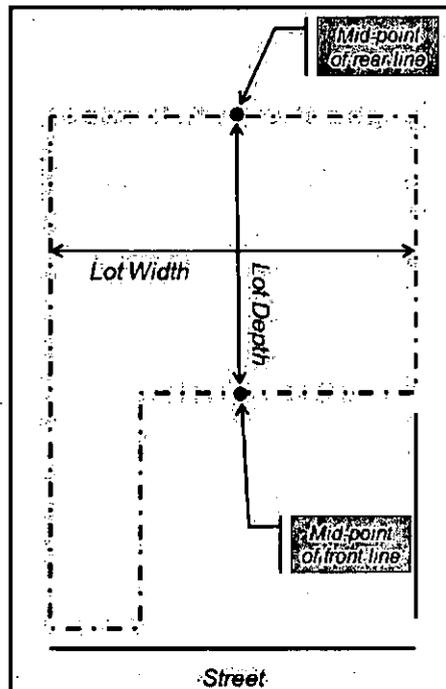


Flag Lot Components

- (2) A minimum width of 20 feet shall be maintained throughout the length of the pole.
- (3) Driveways shall meet the minimum requirements as set forth in § 106-123J.
- (4) The pole portion shall be deemed to end, and the flag portion of the lot shall be deemed to commence, at the extension of the front property line.
- (5) Designation of property lines. The following requirements determine the location of the front, side, and rear property lines of a flag lot:
 - (a) The front property line shall be the lot boundary that most nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole. If the pole is not at a ninety-degree angle to the front property line, the front property line shall be

calculated as if the front property line continued by drawing an imaginary line to the pole;

- (b) The side property line shall be any lot boundary that does not abut a public or private ROW, and which is not a front or rear property line, exclusive of the pole portion of the lot.
 - (c) The rear property line shall be the lot boundary opposite the front property line.
- (6) Measurement of flag lots. The determination of lot width and depth for flag lots is as follows:



Flag Lot Width/Depth

- (7) Lot depth. Lot depth shall be measured at the midpoints of the front property line and the rear property line of the flag portion of the lot as shown in the Flag Lot Width/Depth figure above. When measuring the depth of a flag lot, the pole shall not be included. See the Flag Lot Width/Depth figure above.
- (8) Lot width. Lot width shall be measured by a line connecting two points on opposite side property lines that will result in a line parallel to the front property line. When measuring the width of a flag lot, the pole shall not be included. The width of the flag portion of a lot shall comply with the minimum standards of the applicable zoning district. See the Flag Lot Width/Depth figure above.

- (9) Minimum lot area. The flag portion of a flag lot shall comply with the minimum area and dimensions required by the applicable residential base zoning district.
- (a) For purposes of measuring the lot area, only the flag portion shall be considered.
- (b) The flag portion of a flag lot shall not include the pole or any other portion of the lot where lot width is less than the minimum required by the applicable residential base zoning district. Where the pole is not at a ninety-degree angle to the front property line abutting the pole, the front property line shall be calculated as if the front property line continued by drawing an imaginary line, which will also illustrate the boundary of the main body of the lot.

§ 106-126. Method of construction.

All improvements granted final approval shall be constructed in each new subdivision in accordance with the standards and requirements established by the Development Board and in accordance with the condition of the final approval. The applicant/owner may install such improvements at his/her own cost and expense or may secure the formation of a special district to install such improvements pursuant to pertinent laws of the State of New York.

§ 106-127. Utilities.

- A. It shall be the responsibility of the applicant/owner to provide water lines, storm drains, sanitary sewers, bridges, street construction and street pavement to the limits of the subdivision. These facilities shall be constructed as required for inclusion in future Village infrastructure systems. Each applicant/owner shall be responsible for the complete construction to the specifications as approved by the Development Board.
- B. All utilities (i.e., telephone, cable, electric), when deviating from a straight-line course between the source and a house, shall be so designated.
- C. Regarding wastewater discharge and treatment, all buildings in the Village must connect to the Village sewer system.
- D. All utilities are to be underground unless documentation is submitted proving that location underground is not feasible.

§ 106-128. Road specifications.

The Village streets and roads shall include both public and private streets and roads in all sections of this Part 3.

- A. Relationship to natural features. All streets and roads shall be logically related to existing topography, soil, vegetation and other natural features and shall be coordinated into a logical and efficient system. All roads shall be arranged so as to obtain a maximum number of building sites at or above the grade of the roads.

- (1) Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades of this article shall be observed.
 - (2) Installation of all utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils or a water table at or near the surface and soils that are highly susceptible to erosion or slippage shall be avoided insofar as is practical;
 - (3) Road layout shall minimize stream crossings and be perpendicular to the stream, traversing existing slopes exceeding 25% measured perpendicular to the road.
- B. Easements. An easement shall be provided for all natural drainageways and all utility lines when such utility line or lines do not fall within a dedicated ROW. All easements shall be plotted on the preliminary plat and subdivision plat. A clause shall be inserted in the deed of each lot affected by an easement, indicating that the easement exists and its purpose. Except as further required in this section, easements shall have a minimum width of 10 feet. Where a subdivision is traversed by a drainageway, channel or stream, a drainageway easement conforming substantially to the lines of such watercourse shall be provided. The easement shall be 20 feet wide or such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Where it is found that additional easement width is needed, the width shall be determined by the Development Board. Prior to the completion of the roadway, all utility lines which are primarily intended to provide service to the lots within the subdivision shall be installed underground at a depth and at such location as will minimize the risk of interruption of services.
- C. Intersections. In general, all streets and roads shall intersect so that, for a distance of at least 100 feet, each street is approximately at right angles to the street it joins. Local street intersections with collector streets or arterial highways shall be separated by at least 300 feet.
- D. Special treatment along certain highways. When a subdivision abuts or contains a regional arterial highway, local arterial highway or collector highway, the Development Board shall require that no new lots shall front or have direct access on such highway. In subdivisions of four lots or fewer, if the Development Board finds the foregoing requirement not feasible, then new lots may be created on such highway, but the width for such lots shall be increased by 100% of the authorized density within the applicable zone. The Board may require marginal access streets, reverse frontage with screen plantings contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or other such treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Provision of turnarounds shall be required for driveways accessing arterial or collector streets.
- E. Local streets. Subdivisions shall be so designed as to provide a street pattern which shall be based upon a local residential street pattern connected to a residential collector street system. Local streets shall be laid out so that their use by through traffic will be discouraged.

- F. Dead-end street easements. Dead-end or loop residential streets will be permitted wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets, the Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street, when the Board, in its discretion, feels such easement is necessary or desirable.
- G. Continuation of projection of certain streets. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Where, in the opinion of the Village Board of Trustees, topographic or other conditions make such continuation or projection undesirable or impracticable, this requirement may be modified. Approved future connector links shall be dedicated at the same time the principal streets are dedicated.
- H. Other required streets. Where a subdivision borders on or contains a railroad ROW or limited-access highway ROW, the Development Board may require a street approximately parallel to and on each side of such ROW, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.
- I. Location. Streets shall follow low land, except wetlands, whenever feasible. When a subdivision street intersects an existing street, the Board may require the owner to improve the existing street within 100 feet of said intersection to meet the requirements of these regulations for intersection design.
- J. Street design.
 - (1) Curves. A curve shall be required whenever a collector or local street deflects more than 10°. A curve shall be required for any deflection in an arterial street. The minimum center-line radius for horizontal curves shall be as follows:

Standards for Minimum Radius

Street Type	Minimum Radius (feet)
Collector	300
Local	300
Marginal access	250

- (2) A tangent of at least 50 feet shall be required between reverse curves, except where the topographical conditions of the site being subdivided would require a

lesser radius or tangent without disturbing major portions of unexcavated soil and foliage.

K. Street grades.

- (1) Maximum street grades shall be as follows:

Standards for Maximum Street Grades

Street Type	Maximum Grade
Collector	8%
Local	10%
Marginal access	10%

- (2) Street grades shall not be less than 0.5% Grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet from the edge of the pavement of the intersected street. Vertical parabolic curves shall be introduced at changes of grade exceeding an algebraic difference of 1% and shall provide the following minimum sight distances:

Standards for Minimum Site Distance

Street Type	Minimum Sight Distance (feet)
Collector	250
Local	100
Marginal access	100

L. Street intersections.

- (1) T-intersections shall be used in residential areas where practical. Intersections of more than two streets shall be prohibited. Intersecting streets shall be laid out so as to intersect at 90°. Any change in street alignment to meet this requirement shall be at least 100 feet from the pavement edge of the intersected street.
- (2) Street ROW lines and roadways at intersections shall be rounded with the minimum radius possible that balances the needs of all users of the street and which is in compliance with design standards approved by the Village of Saranac Lake.
- (3) Intersections with arterial streets shall be held to a minimum and shall preferably be spaced at least 1,000 feet apart.
- (4) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their center lines.

- M. **Dead-end street design standards.** Dead-end streets shall not be longer than 1,000 feet and shall be provided with a turnaround at the closed end, having a street ROW diameter of at least 140 feet and an outside edge of pavement diameter of at least 110 feet. Street length shall be measured from the point where the center line of the proposed road intersected with the ROW line for the existing road, thence along the center line of the proposed road the furthest point on the back side of the turnaround or loop. If an island is left in the turnaround, it shall be nearly level to facilitate snowplowing, and there shall be no curbs around the island. The turnaround pavement shall slope to the outside of the circle. The pavement radius at the entrance to the turnaround shall be at least 50 feet for symmetrical turnarounds and greater for offset turnarounds. When a street is extended beyond an intersection to make provision for its future extension, a temporary turnaround shall be provided at the end of the street unless no lots are served by the extension. The temporary turnaround shall meet the requirements for a permanent turnaround.
- N. **Street access.** Access to arterial streets shall be restricted as far as practicable.
- O. **Street setbacks.** Setbacks from existing streets shall be in accordance with the standards of this code.
- P. **Fill slopes.** Where streets are constructed on new fill, the side slopes of the fill shall be as follows:

Standards for Slope

Fill Height (feet)	Slope (vertical to horizontal)
0 to 6	1 to 4 or flatter
6 to 12	1 to 3 or flatter
Above 12	Not permitted

- Q. **Guardrailing.** Where streets are constructed on fills of greater than six feet in height, guardrailing shall be installed along the side of the road, eight feet from the edge of the roadway.
- R. **Street entrances to subdivisions.** Subdivisions containing 15 lots or more shall have at least 2 street connections with existing public streets. In the case of an internalized subdivision, the requirements for two entrances may be satisfied by the provision of a double-width (two times the standard road width) road from the main connecting street to the first intersecting street. A planted center island will be required in a double-width roadway, and an increase in the ROW will be required to provide for the planted center island. When a planted island is proposed, the subdivider shall indicate on the plan who shall maintain such.
- S. **Street signs.** The developer shall establish street name signs as approved by the Department of Transportation at appropriate locations as indicated by the Village Director of Public Works prior to street construction. (Street names should have a relationship to the subdivision name.)

- T. Road surfacing. Surfacing materials must be applied in the following manner:
- (1) Binder coat may be applied only when the ground surface is at least 40°.
 - (2) Top coat may not be applied after October 20.
 - (3) These requirements may be waived if, in the sole determination of the Village Director of Public Works, unusual weather conditions make such requirements unnecessary.
- U. For roads to be dedicated to the Village, the following specifications for the street cross section consisting of gravel and asphalt apply:
- (1) The minimum driving surface width shall be 24 feet.
 - (2) Beginning at the subgrade:
 - (a) The subgrade compacted to 90% proctor; then
 - (b) Compacted gravel, a minimum of 12 inches in depth (NYSDOT Type 2 (Sect. 304), compacted to 95% standard proctor; then
 - (c) A binder course of asphalt three inches in depth (NYSDOT Item No. 402.198902-19F9 binder course HMA, 80 Series compaction, PG binder (liquid asphalt) grade shall be PG 64-22); then
 - (d) A tack coat (NYSDOT Item No. 407.0102 diluted tack coat); and then
 - (e) A top course of asphalt 1 1/2 inches in depth (NYSDOT Item No. 402.098302-9.5F3 HMA, 80 series compaction).
- V. Subdivision roads which are proposed to be private roads shall not be required to comply with the foregoing standards of this subsection but instead shall have, at a minimum, a sixteen-foot-wide driving surface; three-foot-wide shoulders; a maximum grade of 15%; and an adequate gravel driving surface which will be passable by emergency vehicles at all times of the year. The deed of conveyance to any subdivision lot served by a private road shall include a covenant clearly informing the purchaser that said private road is not constructed to Village specifications, is not eligible to be a Village street, and will not be maintained by the Village under any circumstances. Any proposal for a private subdivision road shall also provide for a homeowners' association which shall have the responsibility of maintaining such road, and which shall be comprised (on a mandatory basis) of all owners of lots fronting on said private road, and no such lot shall be sold unless and until an offering plan for such association has been reviewed and accepted by the New York State Office of the Attorney General.
- W. Proper roadway drainage facilities shall be installed where required by topographic or other engineering factors. Reinforced concrete pipe or corrugated metal pipe shall be used throughout for all culverts or surface drainage systems. Drainage shall be accommodated by one or a combination of the following:
- (1) A roadside ditch whose flow line elevation shall be a minimum of 18 inches below the finished center-line grade;

- (2) A concrete or asphalt gutter; or
 - (3) A concrete or asphalt curb with a storm sewer.
- X. Road ditches shall be designed to have a minimum hydraulic capacity equal to the peak runoff rate from a five-year twenty-four-hour rainfall. Drainage culverts shall be of adequate size and so located as to maintain preconstruction surface drainage patterns, provided such patterns were acceptable prior to construction.
- Y. Catch basins, manholes, seepage drains, reinforced concrete pipe or other drain appurtenances and all under-drains shall be installed, constructed, connected and designed to discharge in accordance with the direction and requirements of the Village, if such devices are to be employed.
- Z. Stream crossings shall be roughly at right angles, and bridge structures or culverts shall be designed to carry the peak runoff rate from:
- (1) A twenty-five-year, twenty-four-hour rainfall if the contributing drainage area is between one and four square miles; and
 - (2) A hundred-year, twenty-four-hour rainfall if the contributing drainage area is more than four square miles.
- AA. Maximum cut and fill slopes shall be:
- (1) Two to one fill for cuts in coarse sand and gravel;
 - (2) Two and one-half to one for cuts in fill or silty sand;
 - (3) Three to one in sandy silt; and
 - (4) Four to one in silt, sandy clay or clay.
- BB. Clearing and grubbing is required before fill. Fill shall be deposited in twelve-inch layers.
- CC. Turnarounds at the end of any dead-end road shall have a ROW width, and pavement dimensions, which are sufficient to permit vehicles to be turned around safely and conveniently. The Development Board may modify the configuration of turnaround areas dependent upon the conditions present.
- DD. Construction of roads and utilities shall be phased to prevent conflicts or redundant work.
- EE. Cleared areas associated with road and utility construction, except road surfaces and shoulders, shall be planted with suitable grasses or ground cover following final grading and shall also be appropriately stabilized to prevent erosion during the construction phase. Ditch bottoms shall be planted, paved, riprapped or otherwise designed to minimize soil erosion.
- FF. Additional requirements.

- (1) In certain cases, guiderails may be required. This requirement shall be discussed with the applicant/owner during the plan review process, if required. All guiderails shall be box beam per DOT specifications.
- (2) Road elevation shall ensure the construction of driveways with a maximum slope of 5% from pavement edge to the road ROW line.
- (3) All new roads shall receive a graded layer of suitable topsoil material from the edge of the pavement to the ROW extremity. Mulching and seeding of this area shall occur as soon as practicable. The road shall be acceptable to the Village only upon the appearance of a dense stand of grass in nonblacktopped areas.
- (4) All catch basins, drop inlets and piping shall be free of sediment, silt and debris when accepted by the Village.
- (5) Areas containing erosion or eroded soil or areas not containing a dense stand of grass contained within the road shall constitute grounds for denial of acceptance.
- (6) Prior to the issuance of any certificates of occupancy or the acceptance of the road, stakes shall be placed on the front corners of the property designating the line between the applicant/owner's property and the Village ROW.
- (7) All stumps, grubbing, logs, and limbs generated from subdivision projects shall be hauled off site and disposed of properly. Chipping/tub grinding of this material on site will be allowed in lieu of off-site disposal, if approved by the Development Board. These grindings shall not be disposed of in any defined open-space areas.

§ 106-129. Methods of completing construction.

The applicant/owner shall not install improvements prior to final approval. Prior to final approval the applicant/owner shall develop and submit a cost estimate for the improvements to be made as part of the subdivision as proposed. The Development Board shall review the estimates and modify as needed prior to consideration for acceptance. Upon acceptance and approval by the Development Board of the estimates as submitted a letter of credit or performance bond to cover the cost of improvements as described shall be submitted by the applicant/owner.

§ 106-130. Construction costs within the public right-of-way.

The Development Board may require the establishment of a letter of credit which shall cover the cost of all improvements in the public ROW under the following procedure:

- A. A detailed written estimate of all costs shall be provided to the Village. Costs shall reflect current values for the work and materials involved and shall be representative of actual cost to the Village to execute the work should the contractor or applicant/owner not complete the project. Cost estimates shall be reviewed by the Village Superintendent of Public Works and the Village Engineer.

- B. The letter of credit shall include assurance of reimbursement of maintenance costs to the Village if needed prior to the expiration date of the letter of credit and an inflation factor if deemed appropriate.
- C. The written approval of the Village Superintendent of Public Works and the Village Engineer of the plans and specifications for the new road and drainage system shall precede letter of credit acceptance.
- D. The final amount of the letter of credit shall require the approval of the Board of Trustees;
- E. The form of the letter of credit shall be acceptable to the Village.
- F. Reduction of letter of credit.
 - (1) Various items of construction may be inspected and approved upon their completion and the amount of the letter of credit may be reduced, provided that it does not become less 20% of the original value of the letter of credit.
 - (2) The creation of a letter of credit (or continuance of the initial letter of credit) in an amount equal to 20% of the cost of the road construction shall be in effect until one year after the granting of final acceptance and subsequently shall be reduced to 10% for the second and final year. The twenty-percent to ten-percent two-year letter of credit shall be a single document accepted by the Board of Trustees prior to the acceptance of the road.
 - (3) When the top course is being deferred, a separate letter of credit for the full value of cleaning the binder course, tack coating and paving of the top course may be required by the Village. After the top course is installed and accepted, the twenty-percent to ten-percent two-year letter of credit may also be required for this top course work.

§ 106-131. Road construction inspections.

Road inspections are to be performed by the Village Superintendent of Public Works or his/her approved designee.

- A. The inspection shall include the following:
 - (1) The width and thickness of the pavement;
 - (2) The width, thickness and compaction of the subbase;
 - (3) The compaction of the subgrade;
 - (4) General compliance with approved plans relative to road grades, cross-slope of travel lanes and slopes of graded areas;
 - (5) The method and effectiveness of seeding and mulching of all areas required; and
 - (6) The location, positioning and cleaning of drainage.

- B. Roads constructed by the Village Highway Department shall be exempt from this requirement.

§ 106-132. Final inspections.

- A. Upon completion of construction, a final inspection shall be held by the Village. Minor changes from the development map and plan/profiles as required by conditions of the work site may be allowed in the actual construction.
- B. Contingencies set upon approvals of any kind shall be met before the approval can be considered final and valid.
- C. The Board of Trustees shall consider accepting new roads only after 100% of the associated road and utility work is completed in the opinion of the Superintendent of Public Works. Conditional road acceptances shall not be permitted, except in exceptional circumstances as determined by the Board of Trustees.
- D. Before final acceptance of the road by the Board of Trustees, the Village Clerk shall receive, by the 15th day of the month prior to the Board of Trustees meeting at which the road is to be accepted:
- (1) Proof that installed water and/or sewer facilities comply with Village standards and specifications;
 - (2) The deed to the Village has been previously conveyed to the Village of Saranac Lake and an easement granting access to Village facilities is provided and meets Village standards. Deed filing costs shall be paid by the developer;
 - (3) Title insurance for the proposed new Village road naming the Village as an endorsee of the policy, which said title insurance demonstrates clear and marketable title;
 - (4) A tax search indicating that there are no delinquent taxes owed on the property;
 - (5) Letters from the Superintendent of Public Works that the proposed road has had a final inspection and is ready for acceptance by the Village;
 - (6) The twenty-percent to ten-percent two-year letter of credit incorporating 100% of the value of the top course;
 - (7) As-built drawings on Mylar, in electronic portable document format (PDF) and .dwg format; and
 - (8) Certification by a professional engineer licensed in the State of New York that the stormwater management facilities comply with the approved plan.

§ 106-133. Issuance of certificates of occupancy.

- A. Certificates of occupancy shall not be issued until the roadway asphalt binder course is in place. All roads to be dedicated to the Village shall be accepted by the Board of Trustees prior to the issuance of a certificate of occupancy.
- B. Provisions for temporary T-turnarounds shall be established, if deemed necessary.
- C. A phasing program can be agreed upon by all parties, if requested, and shall be done during the Development Board review.

§ 106-134. Certification of streets.

All new streets in the Village shall be certified by a New York State-licensed professional engineer. This certification shall consist of a statement by the applicant/owner's engineer, seal affixed, certifying that he has inspected the installation of the improvements within the subdivision and that they have been installed in accordance with the plans which received final approval by the Development Board.

§ 106-135. Taxation of lots deeded to Village.

Applicant/owners of lots deeded to the Village after the taxable status date (March 1) shall have to pay taxes for the entire following year.

§ 106-136. Waivers.

Where the Development Board finds that, because of unusual circumstances of shape, topography or other physical features of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardships may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and public interest secured, provided that no such waiver shall be granted which shall have the effect of nullifying the intent and purpose of the Official Zoning Map, this code, these regulations, other laws of the Village or the Comprehensive Plan or the goals and objectives of the Village LWRP. In granting a waiver, the Development Board may require such conditions as shall, in its judgment, secure substantially the objectives of the standards or requirements to be waived. Waivers from these regulations may only be considered after all alternatives have been reviewed and determined infeasible. Requests for any waivers from these regulations shall be submitted in writing and must include a description of all alternatives considered and why said alternatives are infeasible. Any waiver from these regulations requires adoption of written findings from the Development Board.

§ 106-137. Modifications.

The standards and requirements of these regulations may be modified by the Development Board in the case of a plan and program for a complete community or other planned development which, in the judgment of the Development Board, provides adequate public spaces and improvements for the circulation, recreation, light and air and services the needs of

the community when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

§ 106-138. Extension of time limit.

Whenever a time limit is specified in these regulations, the Development Board may extend the limit upon request by the applicant/owner, provided that the Board is legally empowered to do so.

**Part 4
Land Development Regulations**

**ARTICLE XVIII
Stormwater Control**

§ 106-139. Compliance with other laws; findings; purpose; applicability.

A. In addition to complying with the requirements of this article, all development activities should reflect conformance with other applicable state and federal laws, including the New York State Stormwater Management Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control.

B. Findings of fact. It is hereby determined that:

- (1) Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- (2) This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- (3) Clearing and grading during construction tend to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- (4) Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- (5) Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
- (6) Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- (7) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

- (8) The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
 - (9) Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.
- C. Purpose. The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within the Village. This article seeks to meet those purposes by achieving the following objectives:
- (1) Require land development activities to conform to the substantive requirements of the NYS SPDES General Permit for Construction Activities GP-0-10-001, or as amended or revised;
 - (2) Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
 - (3) Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
 - (4) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
 - (5) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.
- D. Applicability.
- (1) This article shall be applicable to all land development activities as defined in this code.
 - (2) The Director shall accept and review all stormwater pollution prevention plans and forward such plans to the Development Board. The Director may:
 - (a) Review the plans;
 - (b) Upon approval by the Village Board of Trustees, engage the services of a registered professional engineer (PE), registered landscape architect (RLA), or certified professional in erosion and sediment control (CPESC) to review

the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

- (c) Accept the certification of a licensed, professional engineer (PE) as licensed by the New York Department of Education or registered landscape architect (RLA) that the plans conform to the requirements of this article.

- (3) All development in excess of one acre and subject to review and approval by the Development Board of the Village of Saranac Lake under site plan review and special use permit regulations, and/or major subdivisions, shall be subject to the standards contained in this article.

E. Exemptions. The following activities may be exempt from review under this article:

- (1) Land development activities that disturb less than one acre and are performed in a manner that maintains the original line and grade and hydraulic capacity, including road maintenance that does not disturb the soil, such as repaving, and minor subdivisions;
- (2) Repairs to any stormwater management practice or facility deemed necessary by the Director;
- (3) Any part of a subdivision if a plat for the subdivision has been approved by the Development Board on or before the effective date of this article, but is still subject to the regulations set forth in SPDES GP-0-10-001, or as amended or revised;
- (4) Land development activities for which a building permit has been approved on or before the effective date of this article;
- (5) Individual cemetery graves;
- (6) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- (7) Emergency activity immediately necessary to protect life, property or natural resources;
- (8) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family; and
- (9) Landscaping and horticultural activities in connection with an existing structure.

§ 106-140. Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity subject to the requirements of this article shall be reviewed until the Development Board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this section.

B. Contents of a SWPPP.

- (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project;
 - (b) Site map/construction drawing(s) for the project, including a general location map at a scale that shows the relationship of the site to water resources. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). Site maps shall be at a scale no smaller than one inch equals 50 feet;
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance, and the total disturbed acreage of each phase. A site plan shall be at a scale that shows sufficient detail to illustrate the project phasing. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, not more than five acres shall be disturbed at any one time unless approved by the DEC Region five Regional Office pursuant to the SPDES manual (GP-0-10-001) and pursuant to an approved plan;
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project closeout;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins according to the New York Standards and Specifications for Erosion and Sediment Control;

- (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) SWPPP requirements for those projects requiring post-construction stormwater controls:
- (a) All information referenced above;
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the water quality volume, stream-channel protection volume, overbank flood control, and extreme flood control storm events as defined in this article;
 - (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - (h) In any case where the Village of Saranac Lake will not take ownership of the stormwater facility, maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property; and
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures.

- C. Plan certification. The SWPPP shall be prepared by an individual with designation as certified professional erosion and sediment control (CPESC), RLA, or PE and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.
- D. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- (1) Contractor certification.
 - (a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (b) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (c) The certification statement(s) shall become part of the SWPPP for the land development activity.
 - (2) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 106-141. Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:
- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation; most current version or its successor, hereafter referred to as the "Design Manual"); and
 - (2) The New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

- B. Water quality standards. No land development activity shall off-site transport of sediment and/or increase runoff volume.

§ 106-142. Maintenance and repair of stormwater facilities.

A. Maintenance during construction.

- (1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- (2) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspections and inspection reports must be completed in accordance with GP-0-10-001, or as amended or revised.

B. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenant structures) which are installed or used by the owner or operator to achieve the goals of this article;
- (2) Written procedures for operation and maintenance and training new maintenance personnel; and
- (3) Discharges from the SMPs shall not exceed design criteria.

C. Maintenance agreements. In such a case where the Village shall not be the owner of stormwater management facilities, the following shall apply: The Village shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners.

§ 106-143. Administration; inspections; recordkeeping.

A. Construction inspection.

- (1) Erosion and sediment control inspection.
 - (a) The Director may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the SWPPP as approved. To obtain

inspections, the applicant shall notify the Village-designated official at least 48 hours before any of the following, as required by the Director:

- [1] Start of construction;
- [2] Installation of sediment and erosion control measures;
- [3] Completion of site clearing;
- [4] Completion of rough grading;
- [5] Completion of final grading;
- [6] Close of the construction season;
- [7] Completion of final landscaping; and
- [8] Successful establishment of landscaping in public areas.

- (b) If any violations are found, the applicant and developer shall be notified, in writing, of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Director.
- (2) Stormwater management practice inspections. A qualified consultant (must be a PE, RLA, or CPESC) is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a PE or RLA.
 - (3) Inspection of stormwater facilities after project completion. In cases where the Village of Saranac Lake shall not be the owner of stormwater management facilities, the following shall apply:
 - (a) Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.
 - (b) Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- (c) Inspections may be performed by local government staff, or the local government may designate an inspector required to be a PE, RLA, or CPESC.
 - (d) The designated inspector is required to submit a report of his or her findings to the local government.
- B. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the purposes of this article.
- C. Recordkeeping. The Village of Saranac Lake may require entities subject to this article to maintain records demonstrating compliance with this article.

ARTICLE XIX Flood Damage Prevention

§ 106-144. Findings.

The Board of Trustees finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§ 106-145. Objectives.

The objectives of this article are:

- A. To protect human life and health;
- B. To minimize the expenditure of public money for costly flood-control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- G. To provide that developers are notified that property is in an area of special flood hazard; and,
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 106-146. Word usage; definitions.

Unless specifically defined elsewhere in this chapter,³⁹ words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

§ 106-147. Applicability.

This article shall apply to all areas of special flood hazard within the jurisdiction of the Village.

§ 106-148. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (1) Flood Insurance Rate Map (FIRM) single panel No. 360273 0001, whose effective date is January 2, 1992, and any subsequent revision to this map panel that does not affect areas under our community's jurisdiction;
 - (2) A scientific and engineering report entitled "Flood Insurance Study, Village of Saranac Lake, New York, Essex and Franklin County," dated January 2, 1992, and any subsequent revision to this report that does not affect areas under our community's jurisdiction;

³⁹ Editor's Note: See § 106-6, Definitions.

- (3) Letter of Map Revision, Case No. 14-2-1850P, effective June 2, 2015, amending Flood Insurance Rate Map Panel360273 0001C, Flood Profile 03P and 04P, and Floodway Data Table 2.
- B. The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at the office of the Village Clerk, Suite 9, 37 Main Street, Saranac Lake, New York.

§ 106-149. Interpretation; conflict with other laws.

- A. This article includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

§ 106-150. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Village, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 106-151. Designation of local administrator.

The Director is hereby appointed local administrator to administer and implement this article by granting or denying floodplain development permits in accordance with its provisions.

§ 106-152. Development permit.

- A. Purpose: A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the FIRM enumerated in § 106-148A(1), without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Director and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing

or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee in an amount to be determined by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village for any additional costs necessary for review, inspection and approval of this project.

§ 106-153. Permit application.

The applicant shall provide at least the following information, where applicable (additional information may be required on the permit application form):

- A. The proposed elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of any new or substantially improved structure to be located in Zones A1 — A30, AE or AH, or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor;
- B. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of any new or substantially improved structure to be located in Zones V1 — V30 or VE, or Zone V if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the Building Inspector the as-built elevation, certified by a licensed professional engineer or surveyor;
- C. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Building Inspector the as-built floodproofed elevation, certified by a professional engineer or surveyor;
- D. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria of this article;
- E. Utilities: a certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing of this article;
- F. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in this article;
- G. Basis for establishing areas of special flood hazard. When notified by the Director the applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;

- H. A technical analysis by a licensed professional engineer, if required by the Director, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property; and
- I. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 106-154. Powers and duties of local administrator.

Duties of the Director shall include, but shall not be limited to, the following:

- A. Permit application review. The Director shall conduct the following permit application review before issuing a floodplain development permit. The Director shall review all applications for completeness, particularly with the requirements of § 106-153, and for compliance with the provisions and standards of this article;
- B. Review subdivision and other proposed new development, including manufactured home communities, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of this article;
- C. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Director may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of this article, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application; and
- D. Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

§ 106-155. Use of other flood data.

- A. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's FIRM but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 106-153, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this article.
- B. When base flood elevation data is not available, the Director may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard for the purposes of this article.

§ 106-156. Alteration of watercourses.

- A. The Director shall notify adjacent communities and the DEC prior to permitting any alteration or relocation of a watercourse and shall submit evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- B. The Director shall determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

§ 106-157. Construction Stage.

- A. In Zones A1 — A30, AE and AH, and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the Director shall obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreation vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- B. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Director shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- C. Inspections. The Director and/or the applicant's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

§ 106-158. Certificate of compliance.

- A. In areas of special flood hazard, as determined by documents enumerated in § 106-148, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this article.
- B. A certificate of compliance shall be issued by the Director upon satisfactory completion of all development in areas of special flood hazard.
- C. Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 106-157C, Inspections, and/or any certified elevations, hydraulic data, floodproofing,

anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

§ 106-159. Retention and availability of information.

The Director shall retain and make available for inspection copies of the following:

- A. Floodplain development permits and certificates of compliance;
- B. Certifications of as-built lowest floor elevations of structures, required pursuant to of this article and whether or not the structures contain a basement;
- C. Floodproofing certificates required pursuant to this article and whether or not the structures contain a basement;
- D. Variances issued pursuant to the requirements of this article; and
- E. Notices required under of this article.

§ 106-160. General construction standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 106-148A(1) of this article:

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.

§ 106-161. Encroachments.

- A. Within Zones A1 — A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location or the Village agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Saranac Lake for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Saranac Lake for all costs related to the final map revision.

- B. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the FIRM adopted in § 106-148A(1), no new construction, substantial improvements or other development (including fill) shall be permitted unless a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or the Village agrees to apply to FEMA for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Village for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village for all costs related to the final map revisions.

§ 106-162. Specific construction standards.

- A. Anchoring. New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zones A1 - A30, AE or AH, and also Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas with subgrade on all sides are considered basements and are not permitted.

§ 106-163. Utilities.

- A. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator-lift machinery and electrical junction

- and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
- B. New and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.
 - C. New and replacement sanitary sewer systems shall be designed to minimize or eliminate the infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
 - D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 106-164. Residential structures.

Specific standards apply to residential structures located in areas of special flood hazard as indicated:

- A. Within Zones A1 — A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above the base flood level.
- B. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor, including basement, elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new and substantially improved structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number, specified in feet, on the community's Flood Insurance Rate Map enumerated in § 106-148A(1) of this article (at least two feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 106-165. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures:

- A. Within Zones A1 — A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or

- (2) Be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
- (1) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number, specified in feet, on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 106-165A(2) of this article.
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the Director that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this article, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data is available, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade.

§ 106-166. Manufactured homes and recreational vehicles.

- A. The following standards, in addition to the standards in § 106-160, General construction standards, and § 106-162, Specific construction standards, listed above, apply in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard. Recreational vehicles placed on sites within Zones A1 — A30, AE, AH, V1 — V30, V and VE shall either be on site fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the requirements for manufactured homes listed in this article. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
- B. A manufactured home that is placed or substantially improved in Zones A1 — A30, AE, AH, V1 — V30 or VE that is on a site, either outside of an existing manufactured home park or subdivision, in a new manufactured home park or subdivision as herein defined, in an expansion to an existing manufactured home park or subdivision as herein defined, or in an existing manufactured home park or subdivision as herein defined, on which a manufactured home has incurred substantial damage as the result of a flood shall, within Zones A1 — A30, AE and AH, be elevated on a permanent foundation such that the

- lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement or, within Zones VI — V30 and VE, be elevated on a pile foundation such that the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, is elevated to or above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- C. A manufactured home to be placed or substantially improved in Zones A1 — A30, AE, AH, VI — V30 or VE in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be elevated in a manner such as required in this article or elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
 - D. Within Zone A or V, when no base flood elevation data is available, new and substantially improved manufactured homes shall have the floor elevated at least three feet above the highest adjacent grade.
 - E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in this article (at least two feet if no depth number is specified).

§ 106-167. Appeals.

- A. The Development Board, as established by the Village, shall hear and decide appeals and requests for variances from the requirements of this article.
- B. The Development Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director in the enforcement or administration of this article.
- C. Those aggrieved by the decision of the Development Board may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Development Board shall consider all technical evaluations, all relevant factors, standards as specified in this article and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;

- (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and the goals and objectives of the Village LWRP and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The costs to local governments and the dangers associated with conducting search-and-rescue operations during periods of flooding;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (12) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations and maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of these factors and the purposes of this article, the Development Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- F. The Director shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 106-168. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items for consideration as listed above have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases;
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.

- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
- (1) The criteria of § 160-168A, D, E and F are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

DEVELOPMENT CODE

Village of Saranac Lake - Unified Development Code:
Schedule #1 - Allowed Uses

and Use Type: residential	Districts:																																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35				
1 Community House																																							
3 Dwelling, Multi-Family																																							
5 Dwelling, Townhouse																																							
7 Group Home																																							
9 Rooming House																																							
1 Assisted Living Residence																																							
3 Cemetery																																							
5 College, Private																																							
7 Community Garden, Over One (1) Acre																																							
9 Government Office																																							
11 Library																																							
13 Museum																																							
15 Park																																							
17 Place of Worship																																							
19 Railroad Depot																																							
21 Recreation Facility, Public																																							
23 School																																							

Symbol Legend: P Permitted SP Site Plan Review Required A Administrative Permit Required S Special Use Permit Required
 Notes: 1. Residential uses in buildings within the E-2 District are not allowed on the first floor.
 Note: Blank cells indicate use is not permitted.

SARANAC LAKE CODE

Village of Saranac Lake - Unified Development Code:
Schedule #1 - Allowed Uses

and Use Type:	Districts:																																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34			
	District A-1	District A-2	District A-3	District A-4	District A-5	District B-1	District B-2	District B-3	District B-4	District C-1	District C-2	District C-3	District C-4	District D-1	District D-2	District D-3	District E-1	District E-2	District E-3	District F-1	District F-2	District G	District H-1	District H-2	District H-3	District I	District J-1	District J-2	District K-1	District K-2	District K-3	District K-4	District L-1	District L-2	District L-3		
1 Amusement and Recreation Services																																					
3 Agri-Business																																					
5 Arts Spaces																																					
7 Automotive Repair/Service																																					
9 Bank, Drive-Through																																					
11 Boat Storage, Commercial																																					
13 Car wash																																					
15 Driving Range																																					
17 Funeral Home																																					
19 Gasoline Station/Auto Repair/Service																																					
21 Greenhouse, Commercial																																					
23 Housekeeping Cottage																																					
25 Marina, Type I																																					
27 Medical Clinic																																					

Symbol Legend: P Permitted SP Site Plan Review Required A Administrative Permit Required S Special Use Permit Required Note: Blank cells indicate use is not permitted.

DEVELOPMENT CODE

Village of Saranac Lake - Unified Development Code:
Schedule #1 - Allowed Uses

and Use Type:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34		
	District A-1	District A-2	District A-3	District A-4	District A-5	District B-1	District B-2	District B-3	District B-4	District C-1	District C-2	District C-3	District C-4	District D-1	District D-2	District D-3	District E-1	District E-2	District E-3	District F-1	District F-2	District G	District H-1	District H-2	District H-3	District J-1	District J-2	District K-1	District K-2	District K-3	District K-4	District L-1	District L-2	District L-3		
28 Multi-Use Building																																				
30 Outdoor Storage, Type II																																				
32 Recreation Facility, Private																																				
34 Restaurant																																				
36 Restaurant, Fast Food																																				
38 Retail Sales, Type II																																				
40 Retail Store, Convenience																																				
42 Self-Service Storage Facility																																				
44 Tavern																																				
46 Veterinary Clinic/Hospital																																				
1 Chemical and Petroleum Storage																																				
3 Heavy Equipment Repair																																				
5 Industry, Type II																																				
7 Transfer Station																																				

For All Districts and Sub-Districts: Allowed accessory uses are those uses that are customarily subordinate and incidental to allowed principal uses.
 Symbol Legend: P Permitted SP Site Plan Review Required A Administrative Permit Required S Special Use Permit Required
 Note: Blank cells indicate use is not permitted.

DEVELOPMENT CODE

106 Attachment 2

Village of Saranac Lake Development Code

Schedule 2 - Dimensional Standards

District & Sub-District	Yard Setbacks						Lot Size & Coverage			Building Height	
	Principal Buildings			Accessory Structures			Min. Lot Size	Max. Lot Coverage: Principal Building	Max. Lot Coverage: Impervious Surface	Max. Building Height	
	Front	Rear	Side	Front	Rear	Side					
A											
A-1	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	15'	15'	NP	8'	8'	5,000	40%	30%	40'	
A-2							10,000				
A-3							5,000				
A-4							10,000				
A-5							10,000				
B											
B-1	20'	20'	15'	NP	8'	8'	SPR	40%	30%	40' or SPR	
B-2							10,000				
B-3							10,000				
B-4							SPR				
C											
C-1	30'						25,000	40%	30%	40'	
C-2	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	15'	10'	NP	8'	8'	25,000	40%	30%	40'	
C-3							30'				SPR
C-4							Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides				10,000
D											
D-1	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	15'	10'	NP	8'	8'	SPR	40%	30%	40'	
D-2		20'					10,000				
D-3		30'	20'				15'				NP
E											
E-1	0 ¹	0 ²	0 ³	NP	8'	8'	SPR	SPR	SPR	Min: 24' & 2 stories Max: SPR	
E-2	0 ²	0 ²	0 ²								
E-3	15'	15' ¹	10' ¹								
F											
F-1	SPR	SPR	10'	NP	8'	8'	SPR	40%	30%	40'	
F-2	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	15'	10'				5,000				
G											
District-Wide	30'	20'	15'	NP	8'	8'	5,000	40%	30%	40' or SPR	

SARANAC LAKE CODE

District & Sub-District	Yard Setbacks						Lot Size & Coverage			Building Height
	Principal Buildings			Accessory Structures			Min. Lot Size	Max. Lot Coverage: Principal Building	Max. Lot Coverage: Impervious Surface	Max. Building Height
	Front	Rear	Side	Front	Rear	Side				
H										
H-1	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	20'	10'	NP	8'	8'	10,000	40'	30'	40'
H-2			15'				25,000			
H-3			25,000							
I										
District-Wide	20' ²	20' ¹	15' ¹	NP	8'	8'	SPR	40'	30'	40'
J										
J-1	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	20'	10'	NP	8'	8'	10,000	40%	30%	40'
J-2							30'			
K										
K-1	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	25'	15'	NP	8'	8'	25,000	40%	30%	40'
K-2			10,000							
K-3			25'				25,000			
K-4			SPR							
L										
L-1	20'	20'	15'	NP	8'	8'	25,000	40%	30%	40'
L-2							10,000			
L-3							0'			
PUDD										
Lake Flower	See Attachment 4									

NP — Not Permitted

SPR — To be determined during Site Plan Review

Notes:

The setback for accessory buildings may be 15 feet if the primary entrance is facing the side or rear yard.

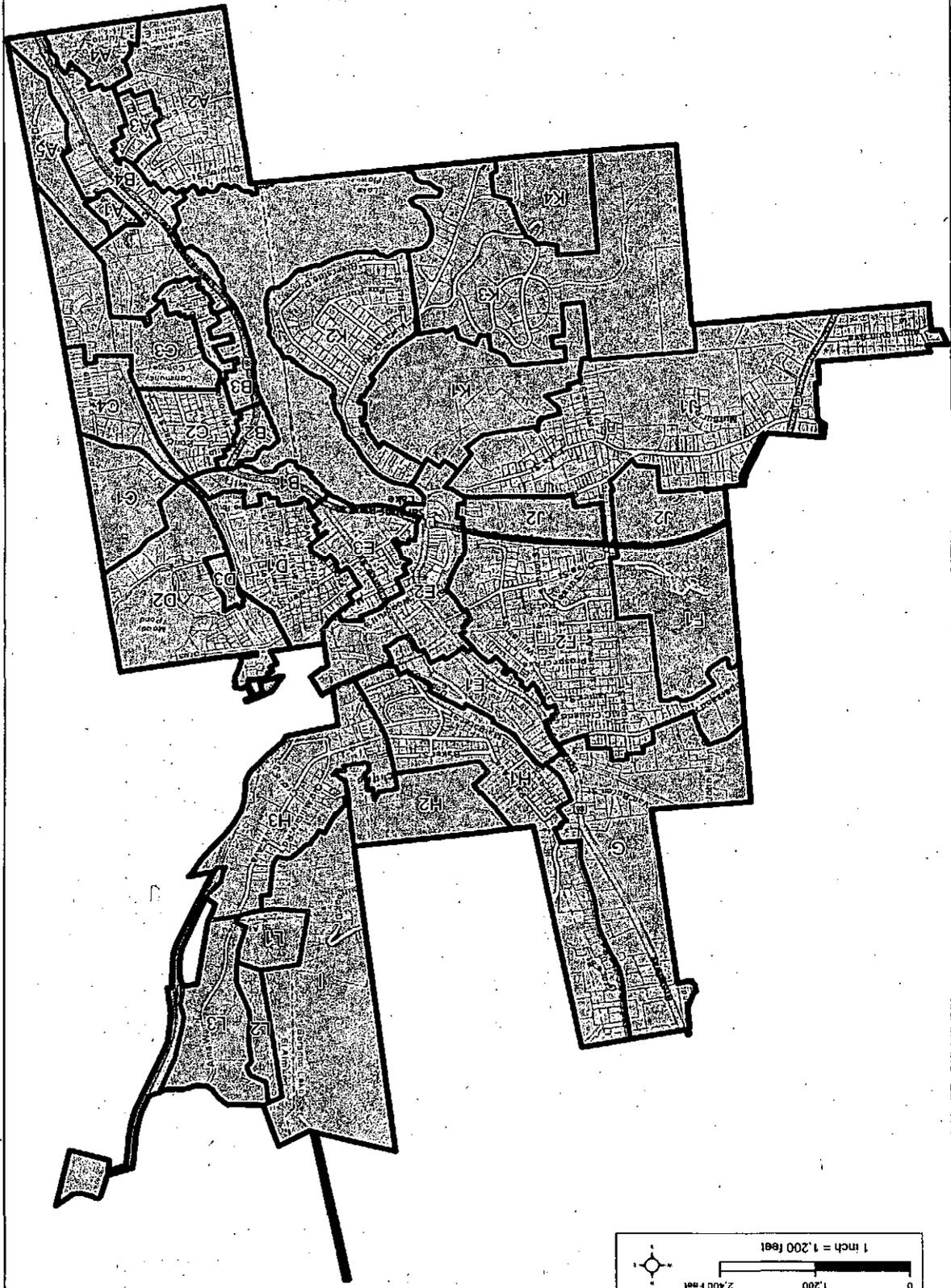
The minimum shoreline setback for all structures in all districts is 50 feet unless otherwise noted.

¹ This requirement shall be the same as the existing building (if applicable). If no building is present, then the requirement is as shown.

² This setback is mandatory.

³ Minimum rear yard setback can be reduced to zero feet if the back of the lot abuts a street.

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, Mapbox, OpenStreetMap contributors, and the GIS User Community



VILLAGE OF SARANAC LAKE



Draft Zoning Map
August 2016

1,200
2,400 Feet

1 inch = 1,200 feet



DEVELOPMENT CODE

106 Attachment 3

DEVELOPMENT CODE

106 Attachment 4

Local Law 01-2015

A Local Law establishing a Planned Unit Development District to be known as the Lake Flower Planned Unit Development District

1.0 Name

This Planned Unit Development District shall be known as the "Lake Flower Planned Unit Development District," and amends the Village of the Saranac Lake Land Use Code within Zoning District B1 and B2.

2.0 Authority and History

On July 28, 2014, the Board of Trustees of the Village of Saranac Lake adopted Local Law 17-2014 establishing the Village of Saranac Lake Planned Unit Development District (PUDD) Law. This Local Law supersedes all previous PUDD local laws and is the local law that the Lake Flower Planned Unit Development is subject to. The planned unit development district procedure provides a flexible land use and design regulation through the use of performance criteria so that development may be matched to the unique characteristics of the site. Furthermore, in a PUDD, innovative development techniques may be accommodated that might not otherwise be possible through strict application of standard land use and subdivision requirements. The PUDD serves as a floating zoning district applicable to any area within the Village of Saranac Lake. The conventional use, dimensional and density standards set forth in Charts 3.1 and 3-2 of the Village of Saranac Lake Land Use Code are replaced by standards in an approved PUDD, which then become the standards established by the Village of Saranac Lake Board of Trustees (Village Board) for detailed design, review and control and subsequent development.

On August 5, 2013, Lake Flower Lodging, LLC (Applicant), submitted a petition to the Village Board to establish a planned unit development encompassing four properties at 234, 238, 248, 256 Lake Flower Avenue (the 'Hotel' parcel) and further described below for the purposes of constructing and operating a hotel resort and conference center. Subsequently the Applicant amended the request to include 203 and 193 River Street for the purposes of provided off-site parking. On November 7, 2013 the Planning Board received a revised Pre-Application which was subsequently deemed complete on December 3, 2013. On December 3, 2013 the Project received a positive recommendation from the Planning Board. The Project received Pre-Application Approval from the Village Board on December 18, 2013. A formal application was submitted to the Village Board on July 11, 2014 and accepted and referred to the Community Development Director on July 11, 2014. A recommendation for approval with conditions was issued by the Planning Board on September 10, 2014. A complete timeline is provided in Table 1.1 below.

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Table 2.1 — Lake Flower PUDD Application Timeline	
Milestone	Date
Pre-Application Submission to the Village Board	August 5, 2013
Planning Board Pre-Application Conference	August 7, 2013
Planning Board Receipt of Revised Pre-Application	November 7, 2013
Planning Board Determination of Complete Application	December 3, 2013
Planning Board Pre-Application Recommendation	December 3, 2013
Joint Meeting	December 18, 2013
Village Board Pre-Application Approval	December 18, 2013
Application Submission to Village Board	July 11, 2014
Village Board Application Acceptance and Referral	July 14, 2014
Director Determination of Complete Application	August 15, 2014
Planning Board Formal Application Recommendation	September 10, 2014

3.0 Purpose

This Planned Unit Development District is adopted pursuant to Local Law 17-2014 to allow the development of a resort hotel with amenities connected to Lake Flower in Saranac Lake in the Lake Flower Planned Unit Development District.

4.0 Boundaries

The area of the Lake Flower Planned Unit Development District consists of 3.184 acres and is described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a sketch plan which is also attached hereto. The Lake Flower Planned Unit Development District consists of the following parcels of real property in the Village of Saranac Lake:

Table 4.1 - Parcels included in Lake Flower Planned Unit Development District		
Address	Tax Map Number	Size (acres)
234 Lake Flower Avenue	32.214-5-4.000	2.97
238 Lake Flower Avenue	32.214-5-2.000	
248 Lake Flower Avenue	32.214-5-3.000	
256 Lake Flower Avenue	32.230-1-1	
203 River Street	32.215-1-3.000	.214
Total		3.184

5.0 Permitted Uses and Buildings

5.1 Permitted Uses

Principal and Accessory uses permitted within the Lake Flower Planned Unit Development District are listed in Table 5.1 and Table 5.2. Any use not listed is prohibited.

DEVELOPMENT CODE

Table 5.1 — Permitted Principal Uses		
Permitted	By Site Plan Review	By Special Permit
	Resort Hotel	

Principal Use Definitions

RESORT HOTEL - A hotel which serves as a self-contained destination point for visitors that maximizes connectivity with Lake Flower and provides short-term visitor accommodations, restaurant facilities, conference facilities, and a range of recreation facilities and opportunities including, but not limited to water-based activities.

Table 5.2 - Permitted Accessory Uses		
Permitted	By Site Plan Review	By Special Permit
<ul style="list-style-type: none"> Storage Shed under 144 sq. ft. 	<ul style="list-style-type: none"> Dock Parking Lot, Private Open Space Storage Shed over 144 sq. ft. Swimming Pool Other uses customarily subordinate and incidental to permitted Principal Uses 	

Accessory Use Definitions

DOCK - A structure, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include boathouses, piers, and wharves, crib docks, stake docks, floating docks and all such similar structures.

OPEN SPACE - Land not covered by buildings, pavement, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreation facilities.

PARKING LOT, PRIVATE - An accessory use involving any parking space, other than along a street or public right-of-way for the storage of more than three vehicles on a continuing basis for the exclusive use of the owners of the lot or whomever else the owner permits to use the parking lot.

STORAGE SHED - An accessory structure or building used to stow away items.

SWIMMING POOL - A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

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6.0 Density Standards

Any development in the Lake Flower Planned Unit Development District shall conform to the Density Standards set forth in Table 6.1. 'Coverage' is defined as a percentage of the PUDD area as defined in Table 4.1

Table 6.1 Density Standards	
Maximum Coverage of Principal Buildings	25%
Max. Coverage of Accessory Buildings	10%
Minimum Vegetative Coverage	25%
Max. Footprint of Principal Buildings	34,674 square feet
Max. Floor Area of Principal Buildings	100,000 square feet
Max. Number of Hotel Guest Rooms	100
Max. Number of Indoor Restaurant Tables	50
Max. Occupancy of Conference/Banquet Facility	200
Max. Private Boat Slips	20
Max. Semi-public Boat Slips	20

7.0 Dimensional Standards

Any buildings shall conform to the Dimensional Standards set forth in Tables 7.1 and 7.2.

Table 7.1 - Building Minimum Setbacks	
Location	Minimum Setback
Front Yard, Principal Buildings	30'
Rear Yard, Principal Buildings	30'
Side Yard, Principal Buildings	15'
Shoreline, Principal Buildings	30'
Front, Accessory Buildings	30'
Rear, Accessory Buildings	10'
Side (including docks), Accessory Buildings	10'
Shoreline (excluding docks), Accessory Buildings	3'

Table 7.2 - Building Heights	
Building Component	Maximum Height
Maximum Building Height of Architectural effects (e.g. towers and ornamental features)	69'
Maximum Building Height of Main Building	Four (4) stories
Maximum Building Height of North Wing	Three (3) stories

8.0 Design Standards

Any development in the Lake Flower Planned Unit Development District shall conform to the Design Standards set forth below, the Village of Saranac Lake Land Use Code and any reasonable conditions required by the Planning Board for site plan approval. Where there is any conflict, the Design Standards shall apply.

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8.1 Building Architectural Design and Performance

1. Principal and accessory buildings and structures shall conform to the Village of Saranac Lake Land Use Code Architectural Review Guidelines with the following exceptions:
 - a. Height - The height of the principal building shall not exceed the standards set forth in this Local Law.
 - b. Other exceptions - The Planning Board may, based on written findings, make other exceptions it deems appropriate during site plan review.
 - c. The Project shall be, at minimum, LEED Certified.
 - d. To the maximum extent practical, principal buildings shall be designed with structural and utility layouts that promote physical convertibility.
 - e. The conceptual design of the building, including footprint, number of stories and roof design shall be as set forth in Exhibit B. Any material deviation from this conceptual design shall be subject to Planning Board site plan review authority.

8.2 Open Space

Open Space shall conform to the following standards:

Type	Minimum Size
Private	39,000 sq. ft.
Semi-Public (Parklette)	7,300 sq. ft.
Public Sidewalk	2,500 sq. ft. (approx. 500 lineal feet)

1. Semi-public open space shall be open and available to the public from 6AM-12AM, 365 days a year, except for maintenance and private events shall be subject to Planning Board site plan review authority. Closures shall not occur on July 4th, during weekends of the Saranac Lake Winter Carnival, December 31st and during the weekend of the '90-miler' canoe event.
2. A permanent easement securing the parklette as semi-public open space in perpetuity, approved by the Planning Board and recorded with the Essex County Clerk, shall be provided as a condition of site plan approval. The easement shall include the rules of use and procedures for occasional, but not regular, closing of the parklette for maintenance and private events, the scheduling of which may be contravened by the Village Board. The property owner shall have the right to enforce the rules, including the right to require individuals who do not comply with the rules to leave the premises, to ensure the security, safety and well-being of guests and the general public.
3. The parklette and other semi-public open spaces shall be designed to ensure that members of the public feel welcome and comfortable in the semi-public open space.

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4. Semi-public open space shall include, at minimum, boat docks, a waterfront patio area, a walkway connecting the patio area to Lake Flower Ave. and associated landscaping and amenities shall be subject to Planning Board site plan review authority.
5. Private open space shall include, at minimum, boat docks, a private beach and an outdoor swimming pool and shall be subject to Planning Board site plan review authority.
6. Semi-public space shall be accessible to the extent practical and in conformance with applicable regulations.

8.3 Landscaping and Natural Features

1. A landscape plan and schedule shall be subject to Planning Board site plan review authority for both the Lake Flower Avenue Parcels and the River Street Parcel.
2. The landscape plan shall meet the intent of Standard 1.3.7.2 of the Village of Saranac Lake Planned Unit Development District Law and Section 7.07 of the Site Plan Review Criteria of the Village of Saranac Lake Land Use Code.
3. All currently existing mature trees located in the semi-public open space, or the private open space, will be protected and retained, except by specific exception granted by the Planning Board during site plan review.
4. Natural protective shoreline features shall be retained to the maximum extent practicable.
5. Disturbance to the shoreline, lake bottom, wetlands and important fish habitat shall be minimized to the greatest extent practicable.
6. To the extent practical, trees and shrubs shall be native to the Adirondack region.
7. The use of pesticides, herbicides and fertilizer shall be minimized and applied in accordance with best practices and applicable regulations.

8.4 Parking and Circulation

Off-street parking shall conform to the following standards:

Uses	Min. Number of Spaces
Hotel	Guests: .75 per room Employees: 1 per 15 rooms
Restaurant	1 for every 10 seats
Conference Center	1 for every 100 square feet of floor area
Spa	1 for every 300 square feet of floor area

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Table 8.3 Maximum Parking Requirements	
Location	Max. Number of Spaces
Lake Flower Parcels	100
203 River Street	As determined by Planning Board during site plan review

1. Off-street parking shall conform to the Village of Saranac Lake Land Use Code Off-Street Parking Regulations with the following exceptions:
 - a. Off-street parking may be permitted in front of the principal building.
 - b. Parking spaces shall not exceed 9' x 18'.
 - c. The number of off-street parking spaces shall conform to this local law.
 - d. Other exceptions - The Planning Board may, based on written findings, make other exceptions it deems appropriate during site plan review.

2. Any additional off-site parking deemed necessary by the Planning Board during site plan review shall be provided within 0.25 miles of the Lake Flower Avenue Parcels and shall be secured by legally sufficient instruments approved by the Planning Board during site plan review.

3. Access to the River Street lot shall be from Brandy Brook Avenue unless otherwise authorized as a condition of site plan approval. Such access shall be secured by legally sufficient agreements or easements subject to Planning Board approval.

4. Any changes to the configuration or location of any off-site parking shall require an amendment to site plan review approval.

5. Parking and storage of boats (other than those carried on vehicles), buses (other than for loading and unloading of passengers) and commercial trucks (other than for deliveries) and trailers on the Lake Flower Avenue Parcels is prohibited.

6. At least two pedestrian routes shall be provided from the interior of the Lake Flower Avenue Parcels across the parking lot to the proposed sidewalk on Lake Flower Ave. Each route shall include sidewalks and crosswalks and shall be subject to Planning Board site plan review authority.

7. A pedestrian route, approved by the Planning Board and NYS DOT, shall be provided by the applicant as pedestrian accommodations across Lake Flower Avenue determined and/or allowed by the New York State Department of Transportation.

8. In recognition that any development within the PUDD will affect bicycle, pedestrian and traffic circulation in its immediate vicinity and to provide additional public benefit as a result of the establishment of the PUDD, the applicant shall contribute \$25,000 to assist with the development of an intersection master plan for the River Street/Lake Flower Avenue intersection. The plan shall be completed by a qualified firm chosen by the Village and approved by the applicant. Funding shall be provided to the Village as a condition of site plan approval and held in escrow by the Village for the exclusive purpose of completing the plan. The Village shall

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complete the plan within 18 months of establishment of the escrow account or the escrow shall be returned to the applicant. Any unused funds shall be returned to the applicant. The purpose of the plan is to:

- a. Identify safety and level of service deficiencies for bicycle, pedestrian and vehicular traffic;
- b. Identify NYS DOT and community goals and standards for all potential users of the intersection;
- c. Present options for improvements and/or reconfiguration that is based on NYS DOT policies and standards, Village policies and standards, and best practices for urban complete streets and which help implement NYS DOT and community goals;
- d. Provides a vision, cost estimates and other data presented in a way that the Village can utilize to seek funding opportunities for improvements in coordination with NYS DOT.
- e. Establish a long-term vision and implementation plan coordinated between the Village and NYS DOT for an intersection that safely and comfortably accommodates all users.

8.5 Lighting

Exterior lighting shall conform to the following standards and shall be subject to Planning Board site plan review authority:

1. Exterior lighting shall, at minimum, conform to the International Dark-Sky Association and Illuminating Engineering Society Model Lighting Ordinance.
2. Exterior lighting shall consist of decorative and ornamental fixtures that complement the architecture and character of the Project and the Village.
3. Exterior lighting shall be pedestrian-scaled.
4. Interior lighting shall be designed to minimize light pollution and shall be subject to Planning Board site plan review authority.

8.6 Signage

The number and type of permitted principal signs are listed in Table 8.2.

Sign Type	Location
Ground Sign	Restaurant road side
Ground Sign	Restaurant lawn side
Wall Sign	Restaurant lake side
Ground Sign (4)	Hotel Sign road side
Wall Sign	Porte Corchere

1. Internally illuminated signs are prohibited.

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2. Signs shall be constructed of wood, metal or stone and have a wood, metal or stone appearance.
3. The size, material and design of principal signs shall be subject to Planning Board site plan review authority.
4. Accessory or incidental signs including but not limited to traffic circulation, parking and rules and regulation signs shall be subject to Planning Board site plan review authority.

8.7 Stormwater and Floodplain Management

1. Any development in the Lake Flower Planned Unit Development District shall be designed to conform to, at minimum, the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity.
2. A stormwater pollution and prevention plan (SWPPP), prepared in accordance with the New York Standards and Specifications for Erosion and Sediment Control and New York State Stormwater Management Design Manual shall be submitted as a requirement for site plan approval.
3. The Planning Board may require the use of alternative stormwater management techniques and infrastructure if the techniques and infrastructure proposed in the SWPPP would not require the substantial modification or elimination of integral elements of the Project or where the use of alternative techniques would help promote the goals and standards of the Village.
4. A Letter of Map Revision from the Federal Emergency Management Agency (FEMA) providing a revised Base Flood Elevation which allows construction to occur on the Lake Flower Planned Unit Development District as proposed shall be required as a condition of site plan approval.

8.8. Waste Storage.

1. Trash, recyclable material and all other wastes shall be stored and enclosed in accordance with the standards established by the Village of Saranac Lake.

8.9. Supplemental Standards.

1. The sale, storage and dispensing of petroleum products for boat and vehicular use is prohibited.
2. There shall be no sale, rental or lease of boat slips.
3. Documentation, produced by a licensed engineer, demonstrating that soil conditions and the proposed method of construction will meet the NYS Building Code shall be submitted to the Planning Board during site plan review.

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4. The subject property owner(s) shall pay full-assessed value local property taxes as applicable to current law(s) without abatement that is not otherwise available to all like property owners in the Village, unless the Board of Trustees, by a super-majority affirmation, of 4 of its 5 members agrees to a specific and/or unique abatement.

9.0. Sketch Plan.

1. The sketch plan attached in Appendix B hereto shall be used by the Planning Board as the guide for the overall development of the Lake Flower Planned Unit Development District.

10.0. Infrastructure Service and Improvements.

1. The Lake Flower Planned Unit Development District shall be serviced by Village of Saranac Lake water and sewer lines.
2. Any development within the Lake Flower Planned Unit Development District shall connect to the 16" sewer main located on the east side of Lake Flower Avenue.
3. All utility infrastructure shall be buried.
4. All improvements proposed to be dedicated to the Village shall be approved by Village staff and an engineer on behalf of the Village.

11.0. Phasing

Any development in the Lake Flower Planned Development District shall be developed in one phase and shall only commence after all necessary approvals have been obtained.

12.0. Construction Standards.

1. All construction plans, standards and specifications for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers retained by the applicant.
2. All plans and specifications for public improvements and utilities may be reviewed by an engineer on behalf of the Village at the applicant's cost.
3. The Planning Board shall consult with those officials or consultants it believes necessary to provide a sound review of the site plan application. The costs for this review shall be borne by the applicant.
4. Site plan review of any application by the Planning Board shall be coordinated to the maximum extent possible with State agency review to avoid redundant review and additional cost to the applicant.

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13.0. Development Process.

1. Prior to any development activity and prior to issuance of a demolition permit or building permit in the Lake Flower Planned Unit Development District, site plan approval from the Planning Board is required for all project elements regardless of whether such elements are proposed to be located within the boundaries of the Lake Flower Planned Unit Development District.

14.0. Performance Guarantee.

1. The following aspects of development in the Lake Flower Planned Unit Development District may be subject to performance guarantee:
 - a. Pedestrian, Bicycle and Vehicle Parking, Loading and Circulation Infrastructure
 - b. Sanitary Sewer Infrastructure
 - c. Water Infrastructure
 - d. Storm Drainage
 - e. Site Lighting
 - f. Erosion and Sediment Control
 - g. Recreation and Open Space Amenities
 - h. Landscaping
 - i. Waste storage
2. The form, terms, and conditions of any performance guarantee shall be developed by the Village Community Development Department in coordination with the Village Attorney.
3. The Performance Guarantee may be required as a condition of site plan approval.
4. The Performance Guarantee may be in the form of a letter of credit or escrow account.

15.0. Project Schedule.

The regulations and standards established by this local law shall be automatically canceled and the lands comprising the Lake Flower Planned Unit Development District shall revert to their prior zoning districts (B1 or B2) if the following milestones are not achieved:

Table 15.1 Project Schedule	
Milestone	Deadline
Site Plan Approval	Within one year from the date of adoption of this local law.
Project Start (Issuance of a Building Permit)	Within one year from the date of site plan approval by Planning Board
Project Completion (Issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy)	Within twenty four (24) months following the date of issuance of a building permit

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1. The applicant may seek up to two (2) extensions to a deadline by submitting a written request to the Village Board at least 60 days prior to the deadline. The request shall set out the reasons for the extension request.
2. Milestone deadlines shall be suspended upon the issuance of a court-ordered injunction and/or cease & desist order and shall resume at such time the injunction and/or order is removed.
3. Grant of extension of any deadline shall not require an amendment to this local law and the applicant shall not be required to submit a new or amended PUDD application.

16.0. Validity.

If any section, subdivision, paragraph, subparagraph, clause, sentence, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, subdivision, paragraph, subparagraph, clause, sentence, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

17.0. Effective Date.

This Law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

18.0. Appendix A - Legal Description.

19.0. Appendix B - Sketch Plan.

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**Appendix A-Legal Description
A SUGGESTED DESCRIPTION FOR THE "ISACHSEN LOT"
ON LAKE FLOWER AVENUE**

All that certain parcel of land being situate in Lots 12 & 13, Township No. 11, Old Military Tract, Village of Saranac Lake, Town of North Elba, County of Essex, and State of New York; being more particularly bounded and described as follows:

Beginning at a point on the north bounds of Lake Flower Avenue (also known as NYS Route 86), said point being on the west bounds of property described in a deed to Dormitory Authority of New York State, recorded in Liber 638 at page 102 in the Essex County Clerk's Office, and also being located South 10°29'40" West 1.96 feet from a 5/8" rebar found; thence.

- 1) North 72°11'55" West along the north bounds of Lake Flower Avenue 65.53 feet to a 1-3/4" iron pipe found, at the end of a stone wall, at the southeast corner of property described in a deed to The Town of North Elba, recorded in Liber 1021 at page 254 in the Essex County Clerk's Office; thence.
- 2) North 10° 19'15" East along the south bounds of said property described in Liber 1021 at page 254, 143.28 feet to a 5/8" rebar found with a cap stamped "Geomatics Land Surveying, PC" on the west bounds of said Dormitory Authority property described in Liber 638 at page 102; thence.
- 3) South 71° 57'00" East 66.01 feet to a point; thence.
- 4) South 10° 29'40" West 142.93 feet to the beginning.

Containing 0.214 acres of land, more or less, within the above described bounds, as surveyed by Stacey L. Allott, LS of Geomatics Land Surveying, PC. Bearings are based on Grid North for the east zone of the New York State Coordinate System.

Being the same property described in a deed to Eric J. Isachsen and Kristina L. Isachsen, recorded in Liber 1534 at page 296 of deeds in the Essex County Clerk's Office.

A SUGGESTED DESCRIPTION FOR THE "MOTELS PARCEL" ON LAKE FLOWER

All that certain parcel of land being situate in Lots 12 & 13, Township No. 11, Old Military Tract, Village of Saranac Lake, Town of North Elba, County of Essex, and State of New York; being more particularly bounded and described as follows:

Beginning at a point on the west bounds of Lake Flower Avenue (also known as NYS Route 86), said point being on the north bounds of property described in a deed to Fogarty's Marina Property, LLC, recorded in Liber 1576 at page 295 in the Essex County Clerk's Office, said point being located South 62°29'10" East 1.49 feet from a 3/4" iron pipe; thence.

- 1) North 62°29'10" West 1.49 feet to a 3/4" iron pipe found, 0.3' high, and continuing on the additional distance of 124.07 feet to a 3/4" iron pipe, and continuing on the same course an additional distance of 127.14 feet to a 3/4" iron pipe, and continuing an additional distance of 19.0 feet to the shoreline of Lake Flower; thence.

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- 2) Northerly along the shoreline of Lake Flower approximately 755 feet, on into Pontiac Bay, to a point on the west bounds of Lake Flower Avenue; thence.
- 3) South $2^{\circ}53'50''$ East along the west bounds of Lake Flower Avenue, 22.00 feet to a concrete highway monument, and continuing on the same course an additional distance of 29.00 to a point; thence the following two courses along the west bounds of said Lake Flower Avenue.
- 4) South $30^{\circ}21'35''$ West 403.76 feet to a 5/8" rebar with cap found, 0.1' below grade; thence.
- 5) South $29^{\circ}47'20''$ West 120.46 feet to the beginning.

Containing 2.97 acres of land, more or less, within the above described bounds, as surveyed by Stacey L. Allott, LS of Geomatics Land Surveying, PC. Bearings are based on Grid North for the east zone of the New York State Coordinate System.

Subject to a permanent easement granted to the New York State Department of Transportation, in the northeast section of the property, as shown on Map 85 Parcels 94 & 97, and recorded in the Essex County Clerk's Office in Liber 601 at page 65.

Being a composite description of three properties described in the following deeds:

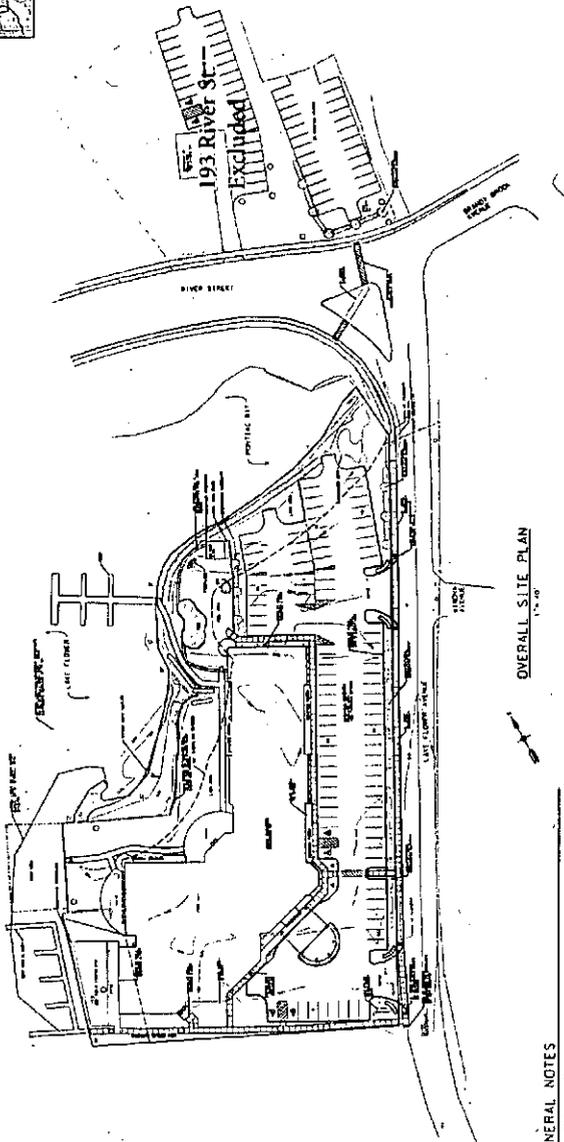
- 1) Deed to Robert Walasky and Kimberly Walasky, recorded in Liber 970 at page 144.
- 2) Deed to Mueller Capital Partners, Inc., recorded in Liber 1384 at page 310.
- 3) Deed into David Manning and Mona Manning, recorded in Liber 968 at page 175.

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Appendix B - Sketch Plan



PROJECT LOCATION



OVERALL SITE PLAN

NYSDOT STANDARD GENERAL PLAN NOTES:

1. MAKE TO BE WITH ALL INFORMATION AND DATA TO BE USED.
2. RESURFACE PAVED AREAS TO BE MAINTAINED AS ALL TIMES.
3. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, AND SEWER, ARE TO BE MAINTAINED AS ALL TIMES.
4. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, AND SEWER, ARE TO BE MAINTAINED AS ALL TIMES.
5. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, AND SEWER, ARE TO BE MAINTAINED AS ALL TIMES.
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10. ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, AND SEWER, ARE TO BE MAINTAINED AS ALL TIMES.

VILLAGE OF SARATOGA LAKE PLANNING INFORMATION

DATE	12/15/16
PROJECT NO.	16-001
PROJECT NAME	LAKE FLOWER LODGING, LLC
OWNER	LAKE FLOWER LODGING, LLC
DESIGNER	LAKE FLOWER LODGING, LLC
DATE OF MEETING	12/15/16
MEETING NO.	1
MEETING TIME	7:00 PM
MEETING LOCATION	VILLAGE OF SARATOGA LAKE
MEETING AGENDA	1. PRESENTATION OF PROJECT 2. PUBLIC COMMENT 3. VOTING
MEETING MINUTES	LAKE FLOWER LODGING, LLC
MEETING RECORD	LAKE FLOWER LODGING, LLC
MEETING REPORT	LAKE FLOWER LODGING, LLC
MEETING SUMMARY	LAKE FLOWER LODGING, LLC
MEETING ACTION	LAKE FLOWER LODGING, LLC
MEETING DECISION	LAKE FLOWER LODGING, LLC
MEETING RECOMMENDATION	LAKE FLOWER LODGING, LLC
MEETING RESOLUTION	LAKE FLOWER LODGING, LLC
MEETING ACTION PLAN	LAKE FLOWER LODGING, LLC
MEETING FOLLOW UP	LAKE FLOWER LODGING, LLC
MEETING CONTACT	LAKE FLOWER LODGING, LLC
MEETING NOTES	LAKE FLOWER LODGING, LLC

NOTES:

1. THE TOTAL AREA OF THE DEVELOPMENT IS 10.0 ACRES.
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GENERAL NOTES

1. ALL UTILITIES TO BE MAINTAINED AS ALL TIMES.
2. ALL UTILITIES TO BE MAINTAINED AS ALL TIMES.
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10. ALL UTILITIES TO BE MAINTAINED AS ALL TIMES.

NO. 1	DATE	12/15/16
NO. 2	DATE	12/15/16
NO. 3	DATE	12/15/16
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DEVELOPMENT CODE

Appendix B - Sketch Plan

